

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 713 29 November November 2024 No. 51657

PART 1 OF 3

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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

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NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works* (*GPW*).

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*'. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as **@gpw.gov.za**

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at **www.gpwonline.co.za**
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: **Annamarie.DuToit@gpw.gov.za**

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: **Bonakele.Mbhele@gpw.gov.za**

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: **Daniel.Legoabe@gpw.gov.za**

Closing times for **ORDINARY WEEKLY** *GOVERNMENT GAZETTE* 2024

*The closing time is **15:00** sharp on the following days:*

- **28 December 2023,** Thursday for the issue of Friday **05 January 2024**
- **05 January,** Friday for the issue of Friday **12 January 2024**
- **12 January,** Friday for the issue of Friday **19 January 2024**
- **19 January,** Friday for the issue of Friday **26 January 2024**
- **26 January,** Friday for the issue of Friday **02 February 2024**
- **02 February,** Friday for the issue of Friday **09 February 2024**
- **09 February,** Friday for the issue of Friday **16 February 2024**
- **16 February,** Friday for the issue of Friday **23 February 2024**
- **23 February,** Friday for the issue of Friday **01 March 2024**
- **01 March,** Friday for the issue of Friday **08 March 2024**
- **08 March,** Friday for the issue of Friday **15 March 2024**
- **14 March,** Thursday for the issue of Friday **22 March 2024**
- **20 March,** Wednesday for the issue of Thursday **28 March 2024**
- **27 March,** Wednesday for the issue of Friday **05 April 2024**
- **05 April,** Friday for the issue of Friday **12 April 2024**
- **12 April,** Friday for the issue of Friday **19 April 2024**
- **19 April,** Friday for the issue of Friday **26 April 2024**
- **25 April,** Thursday for the issue of Friday **03 May 2024**
- **03 May,** Friday for the issue of Friday **10 May 2024**
- **10 May,** Friday for the issue of Friday **17 May 2024**
- **17 May,** Friday for the issue of Friday **24 May 2024**
- **24 May,** Friday for the issue of Friday **31 May 2024**
- **31 May ,** Friday for the issue of Friday **07 June 2024**
- **07 June,** Friday for the issue of Friday **14 June 2024**
- **13 June,** Thursday for the issue of Friday **21 June 2024**
- **21 June,** Friday for the issue of Friday **28 June 2024**
- **28 June,** Friday for the issue of Friday **05 July 2024**
- **05 July,** Friday for the issue of Friday **12 July 2024**
- **12 July,** Friday for the issue of Friday **19 July 2024**
- **19 July,** Friday for the issue of Friday **26 July 2024**
- **26 July,** Friday for the issue of Friday **02 August 2024**
- **01 August,** Thursday for the issue of Thursday **08 August 2024**
- **08 August,** Thursday for the issue of Friday **16 August 2024**
- **16 August,** Friday for the issue of Friday **23 August 2024**
- **23 August,** Friday for the issue of Friday **30 August 2024**
- **30 August,** Friday for the issue of Friday **06 September 2024**
- **06 September,** Friday for the issue of Friday **13 September 2024**
- **13 September,** Friday for the issue of Friday **20 September 2024**
- **19 September,** Thursday for the issue of Friday **27 September 2024**
- **27 September,** Friday for the issue of Friday **04 October 2024**
- **04 October,** Friday for the issue of Friday **11 October 2024**
- **11 October,** Friday for the issue of Friday **18 October 2024**
- **18 October,** Friday for the issue of Friday **25 October 2024**
- **25 October,** Friday for the issue of Friday **01 November 2024**
- **01 November,** Friday for the issue of Friday **08 November 2024**
- **08 November,** Friday for the issue of Friday **15 November 2024**
- **15 November,** Friday for the issue of Friday **22 November 2024**
- **22 November,** Friday for the issue of Friday **29 November 2024**
- **29 November,** Friday for the issue of Friday **06 December 2024**
- **06 December,** Friday for the issue of Friday **13 December 2024**
- **12 December,** Thursday for the issue of Friday **20 December 2024**
- **18 December,** Wednesday for the issue of Friday **27 December 2024**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	**Page Space**	**New Price (R)**
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works** (**GPW**) has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
Extraordinary Gazettes	As required	Any day of the week	*Before 10h00 on publication date*	*Before 10h00 on publication date*
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days **after** submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

Government Printer Indemnified Against Liability

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

Liability of advertiser

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

Customer inquiries

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5587 **29 November 2024**

AMENDMENT OF NOTICE NO 1090 OF 2005

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11A (4) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended) for the Amenment of the Gazette Notice 1090 of Government Gazette No. 27735 of 8 July 2005 by removing the following properties:

1. Reference No : DD 075 and MN 005
2. Claimant : Chief Noto Andrew Moshoete
3. Property description : Gelukspan 83 IO

REF NO.	CLAIMANT	PROPERTY	PORTIONS	DISTRICT
DD 075 and MN 005	Chief Noto Andrew Moshoete	Gelukspan 83 IO	Portion 22	Ngaka Modiri Molema District

Any person/party who has an interest in the above-mentioned land is hereby invited to make his/her submission within 90 (Ninety) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: North-West
Private Bag X 8
MMABATHO
2735

Tel: (018) 388 7000
Fax:

MR L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2024/11/06

MR V TITIES
OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: NW
DATE : 2024/10/10

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 5588 **29 November 2024**

OCCUPATIONAL HEALTH AND SAFETY ACT, ACT 85 OF 1993 AS AMENDED
INCORPORATION OF THE NATIONAL CODE OF PRACTICE FOR THE TRAINING PROVIDERS OF LIFTING MACHINE OPERATORS INTO
DRIVEN MACHINERY REGULATIONS 2015

I Millysind E. Ruiters, appointed as Chief Inspector in terms of section 27(1) of the Occupational Health and Safety Act, (Act No. 85 of 1993), as amended, by virtue of the power delegated to me by the Minister of Employment and Labour in terms of section 42(1) of the Act, and after consultation with the Advisory Council for Occupational Health and Safety hereby-

1. Withdraw National Code of Practice for Training Providers of Lifting Machine Operators published on the Government Notice R539 of Government Gazette No. 38904, and mentioned on the schedule published Government Notice R542 of Government Gazette No.38905,
2. Under Section 44 of the Occupational Health and Safety Act (Act No.85 of 1993), as amended, incorporate into the Driven Machinery Regulations, 2015, the National Code of Practice for the Training Providers of Lifting Machine Operators, 2024.
3. Exempt Training Providers in terms of Section 40 of the Occupational Health and Safety Act, (Act 85 of 1993), as amended as required by regulation 18 (11) of the Driven Machinery Regulations on a condition that they are accredited by Quality Council for Trade Occupations (QCTO) or Transport Seta (TETA) until end of June 2027. With effect from end of June 2027 all training providers shall be accredited by QCTO.

Millysind E. Ruiters
Chief Inspector

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NATIONAL CODE OF PRACTICE

FOR THE
TRAINING PROVIDERS OF LIFTING MACHINE OPERATORS, 2024

FOREWORD

This Code of Practice is to provide clarity and direction to all stakeholders directly or indirectly related to the accreditation and provision of training to lifting machine/equipment operators in South Africa.

This document incorporates the experience acquired by the Department of Employment and Labour, the relevant stakeholders of the industry since 1992.

This Code of Practice provides direction regarding the foundation for training of all lifting machine/equipment operators with the objective of ensuring standardised training, and safety standards that will impact directly on reducing the risk of injury/death to employees/persons or damage to plant and equipment, inherent in all driven machinery operations and especially when loads are lifted or transported.

The Provincial Office of the Department of Employment and Labour is available to assist in clarifying any difficulties in understanding the application of the legislation or if there are any queries regarding the accreditation contact Quality Council for Trades Occupations (QCTO).

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1. SCOPE

This National Code of Practice is to provide clarity and direction to all stakeholders directly or indirectly related to the accreditation and provision of training to lifting machine/equipment operators in South Africa.

The National Code of practice is set in line with the relevant accreditation criteria and guidelines of the Quality Council for Trade Occupations (QCTO).

The National Code of Practice requires that all lifting machine/equipment Operators of lifting machines listed in this code are trained regardless of the capacity of the lifting machine / equipment by an accredited training providers.

Further, the National Code of Practice covers the criteria and guidelines for lifting machine/ equipment operators, assessors, moderators and skills training providers.

Where other Occupational Health and Safety legislation is applicable these must be applied.

The Authorised Body shall be consulted by South African Qualification Authority (SAQA) prior to approval and registration of, components of learning / skills programmes, part-qualifications or qualifications for operators of lifting machines/equipment.

2. DEFINITIONS

For purposes of The National Code of Practice the following definitions shall apply: -

Accredited training provider

Means a body recognised and approved by the chief inspector which delivers unit standards, components of learning / skills programmes, part-qualifications or qualifications as defined and reports the achievements thereof to the Authorised Body.

Assessment

Means the process of collecting evidence of learner's work to measure and make judgements about the achievements or non-achievements of specified National Qualifications framework standards.

Assessor

Means the person who is registered by the Authorised Body in accordance with criteria established for the purpose to measure the achievement of specified National Qualifications Framework Standards or qualifications and the criteria of this Code of Practice.

Audit

Means the process undertaken to measure the quality of products or services that have already been made or delivered;

Authorised Body

Means a body mandated in terms of the National Qualifications Framework Act, Act 67 of 2008 as amended, responsible for monitoring and auditing achievements in terms of national standards or qualifications, and to which specific functions relating to the monitoring and auditing of national standards or qualifications have been assigned and is mandated by Chief Inspector.

Board

Means an executive structure of an Authorised Body.

Certificate of Competence

A certificate issued by an authorised body to a person who has demonstrated competence in a specific category of equipment as delineated per Appendix 1 and according to the assessment criteria of the applicable components of learning / skills programmes, part-qualifications or qualifications and the criteria of this Code of Practice.

Licenced Operator

A holder of a valid license / carry card issued by a licensing body approved by Chief Inspector.

Licensing body

it is a body approved and mandated by the Chief Inspector

Lifting Machine/Equipment Codes

The lifting machine/equipment codes denote the different types of lifting machine/ equipment that are covered under this National Code of Practice primarily lift-trucks (also known as forklift) and cranes. The unique codes for the different machine types are identified in Appendix 1. See Appendix 6 for typical illustrations.

Management Representative

A person employed by the Accredited Training Provider to administer and control the functionality of the accredited training provider in accordance with the provisions of the National Code of Practice and in line with authorised body's accreditation criteria.

Moderator

Means the person that is registered by the relevant authorised body in accordance with criteria established for this purpose by SAQA that ensures the assessment of the outcomes as described in the National Qualifications Framework Standards and/or qualifications, and this National Code of Practice, is fair, valid and reliable.

Non-Credit bearing Skills Programme

Means a programme that is based on a module of a qualification that leads to a skill related to a specific group of equipment and does not earn a credit on the National Qualifications Framework (NQF) towards a qualification. This programme must subscribe to a standard duration agreed through the authorised body or in the absence of such an agreement a SANS or International standard.

Quality Management System

Means the combination of documented processes used to ensure that the degree of excellence specified is achieved in line with the quality assurance criteria and other relevant standards

Regulations

Means the Driven Machinery Regulations.

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Statement of Results

A statement of Results issued by the Authorised Body to a person who has demonstrated competence in a specific category of equipment according to the assessment criteria of the applicable, components of learning / skills programmes, part-qualifications or qualifications.

3. DUTIES OF AUTHORISED BODY

3.1. The Internal Accreditation Committee shall make recommendations to the Board of the Authorised Body for accreditation ratification.

3.2. The authorised body shall maintain the latest information of the accredited training provider's and shall forward such listings on request or at least every three months to the Chief Inspector. The following information fields are to be included; registered name of provider, postal and physical address, contact name, contact numbers, and accredited codes.

3.3 The authorised body shall at the last working day of January of each year or as may be requested provide the following returns for the previous calendar year to the Chief Inspector;

a. the number of accredited providers;
b. the number of learner assessments;
c. the number of monitoring and audits of accredited providers and
d. the number of certificates of competence issued both new and retrained, per code of lifting machine/equipment.

3.4 The authorised body shall conduct periodic audits of accredited training providers to verify compliance to the quality assurance criteria. Provided that audits shall be conducted at intervals not exceeding 12 months or as determined by the Authorised Body to verify compliance to the relevant criteria.

3.5 The authorised body is empowered to de-accredit a training provider after a fair process for non-conformance with the accreditation criteria. The Authorised Body shall forthwith notify the Chief Inspector of any suspension or withdrawal.

3.6 The authorised body is mandated by Chief Inspector to accredit training provider.

4. DUTIES OF ACCREDITED TRAINING PROVIDERS

4.1 After accreditation, the accredited training provider shall forward a copy of the letter of accreditation/provisional accreditation letter and a cancelled letterhead of the accredited provider, to the Chief Inspector for approval under the applicable regulation.

4.2 Accredited training providers shall hold valid accreditation issued by an authorised body, in terms of the National Qualifications Framework Act, and approval from the Chief Inspector, in terms the Driven Machinery Regulation 18(11) as published under the Occupational Health and Safety Act 1993.

4.3 An accredited training provider's management representative shall be responsible for the implementation and maintenance of a Quality Management System (QMS) as per the accreditation criteria and maintenance of accreditation.

4.4 The accredited training provider must comply to the authorised body accreditation criteria and guidelines which include but are not limited to the following:

a. Approved Quality Management System
b. Learning Programmes aligned to components of learning / skills programmes, part-qualifications or qualifications and submitted and approved by the authorised body.
c. Registered Assessors and Moderators in line with subject matter area and criteria.

d. The management representative's delegated duties and responsibilities, including the authorisation of all certificates of competence.

e. The delegation of functions and scope of responsibilities for registered facilitator/s or assessor/s under the supervision and control of an accredited training provider, to maintain assurance of management's support for independent actions and decisions.

f. The accredited training provider shall ensure that all assessments are carried out with integrity. Measures shall be implemented to ensure that the accredited training provider and its staff are free from all pressures; financial or otherwise that could influence their judgement.

g. A clearly defined written policy and procedure for the resolution of any conflict that may arise from clients or other parties about the activities of the accredited provider.

h. The accredited training provider shall ensure confidentiality of all information obtained in the course of its activities. Proprietary rights shall be protected in accordance with Protection of Personal Information Act, No 4 of 2013.

i. The accredited training provider shall conduct internal moderation on all aspects of its scope of accreditation plan and report to the authorised body external moderator to ensure effective competency declaration of learners. A procedure clarifying whom, when, what and how regarding the internal moderation process shall be conducted.

j. Submit per electronic data all relevant national learner record database information on a quarterly basis to authorised body.

NB: All accredited training providers will need to ensure that they have aligned to the approved and updated guidelines from the relevant authorised body.

5 **DUTIES OF LICENSING BODY**

5.1 The licensing body shall assess recommendations from the Training Providers prior to issuing a licence.

5.2 The licensing body shall issue a licence to a learner found competent against a skills program, part qualification or qualification.

5.3 The licensing body shall independently assess the competence of the learner.

5.4 Department of Employment and Labour (DOEL) and QCTO will audit the licensing body.

5.5 The licensing body shall develop assessment process approved by DOEL, Transport Seta (TETA) and QCTO.

5.6 Once the National Code of Practice is published, the licensing body should be ready to implement the requirements for issuing temporary licences and licences within a year of publication of this National Code of Practice.

6. FIELD OF ACTIVITY

6.1 The field of activity(scope) and extent of the services for which the accredited training provider has been accredited and approved shall be detailed in the accreditation document issued by the authorised body and an approval certificate issued by Chief Inspector. An accredited training provider shall not provide training on any lifting machine/equipment code and extent of services other than those for which the provider holds accreditation and approval.

6.2 The, components of learning / skills programmes, part-qualifications or qualifications must lead to the competent operation of the lifting machine/equipment within the specific code against the registered components of learning / skills programmes, part-qualifications or qualifications.

6.3 Where training is provided by an accredited training provider at premises other than those inspected and approved by the authorised body, then full details of the facilities and equipment used shall be recorded in the format of the facilities check sheet as detailed in Appendix 5 must be completed and readily available on request of the authorised body.

7. TRAINING SYSTEM DOCUMENTATION

7.1 The accredited training provider will keep available training system documents as required by the accreditation criteria.

8. RECORDS AND RETENTION

8.1 All learner records shall be maintained by the accredited training provider as required by the NQF Act for a minimum period of five (5) years and the records shall be accessible during this time for inspection by the Authorised Body and Department of Employment and Labour.

8.2 The authorised body will similarly retain for five (5) years all its relevant records.

9. TRAINING COURSE DURATION

9.1 The accredited training provider shall ensure that every learner is granted relevant theoretical and practical training to enable the learner to attain the prescribed competency level according to the assessment criteria of the applicable component of learning /Skills programme, module, part-qualification or qualification. The training course duration and instruction conditions may vary according to previous certification of the learner, as indicated below:

9.2 Learners without prior certification applicable to a specific lifting machine/equipment code

a. The hours of training shall be according to the notional learner hours of the components of learning / skills programmes, part-qualifications or qualifications with a minimum of 30% theory and 70 % practical.

b. The ratio of learners to facilitator shall not exceed 12:1 for theory training; and

c. The ratio of learners to demonstration/practical training per machine shall also not exceed 4:1 and all operator training must be subject to direct facilitator supervision.

NOTES:

- Operators without a valid licence or temporary licence to operate shall not operate the relevant lifting machine/equipment in the working or operating environment.
- Operators of immovable machines (area specific) may be trained/ assessed in the working or operating environment only under the direct and constant supervision of a facilitator/assessor and the work area is safe and safeguarded.

Should the operator not meet the registered components of learning / skills programmes, part-qualifications or qualifications competency further training must be arranged, for the learner to achieve the particular outcome/s.

10. **LICENSING**

a. Operators who are found competent must be issued with a license by a body approved by the Chief Inspector.
b. A temporary license may be issued for 6 months by the licensing body where practical assessment has to be carried out.
c. A licensing body shall issue a temporary licence to learners for the purposes of practical assessments/experience. The temporary licence will be valid for a maximum period of 6 months. A learner issued with a temporary licence must operate under direct and constant supervision of a person with a valid licence for the particular type of lifting machine.

11. **OPERATORS WITH PREVIOUS LICENSE (RE-LICENSING)**

a. Operators previously certified under the Driven Machinery Regulations whose licenses have expired or are due to expire, shall be subject to re-licensing. The re-licensing training shall comprise a minimum of 4 hours theoretical instruction with special focus on safety and a minimum 1-hour practical training.

b. Practical assessments must be done under a ratio of 1:1 assessor supervision.

c. The ratio of learners to facilitator shall not exceed 12:1 for theory training; and

d. Upgrades on codes for learners / operators shall be regarded as re- licensing, provided that the upgrade will be of a same type of lifting machine i.e. code F1 to code F 3, code F5 to F14. C33 to C36.

NOTES:

- Operators without a valid licence or a temporary license shall not operate the relevant lifting machine/equipment in the working or operating environment.
-
- Operators of immovable machines (area specific) may be trained/ assessed in the working or operating environment only under the direct and constant supervision of a facilitator/assessor and the work area is safe and safeguarded.
- Should the operator not meet the registered components of learning / skills programmes, part-qualifications or qualifications competency further training must be arranged, for the learner to achieve the particular outcome/s.

12. ENTRANCE QUALIFICATION CONDITIONS

12.1 All learners of whatever status must be physically capable of performing without difficulty the tasks involved in operating the lifting machine/equipment for which they are to receive training or re-licensing training and are at least 18 years of age.

12.2 Before commencing training or re-licensing every learner shall provide the accredited training provider with the following:

a. An employer declaration or medical certificate confirming the medical fitness of the learner to undergo the intended training;
b. An eye test results issued by a person trained to carry out such tests, confirming that the learner has adequate day and night vision, and depth perception (e.g. Purdue University standard vision test No. 3): Provided that a valid Professional Driver's Permit can also be accepted in lieu of the eye test results; and
c. Shall wear the required personal protective equipment as prescribed by the employer under the General Safety Regulation 2 of the Occupational Health and Safety Act.

12.3 All new entrants intended under this code will be required to hold at least a Grade 9/Abet 4 or NQF level 1 in foundational learning and must be at least 18 years of age.

a. Additional Entrance Qualification Conditions for Mobile Jib Cranes and Tower Cranes

i. An appropriate driver's licence for the particular vehicle;

ii. Shall be wearing protective footwear (steel toe-capped); and

iii. As from the final approval date of the Code of Practice, all new entrants intended under these categories shall hold a General Education and Training Certificate Grade 12 (Std 10), or National Qualifications Framework level 4 (Mathematics literacy and English) or equivalent.

iv. Conditions i and iii do not apply to wall / pillar mounted jib cranes.

13. ACCREDITATION REQUIREMENTS FOR PERSONNEL

13.1 Every accredited training provider shall appoint in writing a full-time employee as a management representative.

13.2 Every accredited training provider shall appoint in writing all registered facilitators/ assessors.

13.3 Management Representative

a. The management representative shall be empowered with the necessary authority to ensure that the provisions of the National Code of Practice are implemented and maintained.

b. The accredited training provider shall within 7 days notify the authorised body in writing regarding any changes to the management representative.

13.4 Assessor

a. An assessor is a person having complied with the following –

i. Holding a valid certificate of competence in assessment and facilitation and a minimum of three years' experience and a valid certification / license / carry card for each applicable lifting machine / equipment code.
The duration of initial training for an assessor shall be at least the same as for a novice operator plus documented 120-hours practical experience.
Demonstrating competence for providing training as evaluated according to the relevant criteria.

ii. Knowledgeable of this code of practice; and

b. Who is under the supervision and control of an accredited training provider.

14. CERTIFICATION

14.1 An initial certificate of competence must include the following information:

a. name and logo of the accredited training provider or authorised body;
b. physical address of accredited training provider;
c. accreditation number of accredited training provider;
d. certificate identification or serial number;
e. identification of Act and Regulation;
f. Full names and surname of operator;
g. National identification or passport number of operators;
h. lifting machine code, code description of equipment, attachments and capacity;
i. restrictions of operation;
j. registration number of assessor;
k. skills program number/part qualification or qualification number
l. skills program title
m. NQF level if applicable
n. Credit value;
o. date of issue and
p. Two authorising signatures

No certificates will be issued on re-certification for the same component of learning /Skills programme, module, part-qualification, qualification or unit standard

14.2 A license / carry card will be valid for a period of up to 24 months, and must be issued upon certification or re-certification and must include the following information:

a. name and logo of the accredited provider or authorised body
b. license identification or serial number;
c. initials and surname of operator;
d. Identification or passport number of operators;
e. lifting machine code, code description of equipment, attachments and capacity;
f. restrictions of operation;
g. skills program or qualification number;
h. registration number of assessor;
i. date of issue and expiry date (24 months); and
j. authorising signature.

14.3 A temporary license will be valid for a period of up to 6 months, and must be issued upon certification or re-licensing and must include the following information:

k. name and logo of the accredited training provider or authorised body
l. certificate identification or serial number;
m. initials and surname of operator;
n. Identification or passport number of operator;
o. lifting machine code, code description of equipment, attachments and capacity;
p. restrictions of operation including “under supervision only”);
q. Skills programme, part-qualification or qualification number;
r. registration number of assessor;
s. date of issue and expiry date (6 months); and
t. authorising signature.

14.4 The Authorized Body will issue a “Statement of Results” to competent learners / operators.

14.5 No person shall operate any equipment covered by this National Code of Practice without a valid certificate of competence and a carry card required by the Driven Machinery Regulations.

13. Special cases

2. Where lifting machine/s are in use that are reasonably considered to be a “one off/unique” type, and where no experience in their use is available. The manufacturer/supplier of the lifting machine will train the operator and issue a certificate of training. This can be accomplished by sending the learner/ operator to the supplier or the supplier sending a qualified instructor to the learner/operator. In such cases full course details must be made available to the relevant authorised body and the learner / operator will be required to do a theoretical and practical assessment set by the authorised body. The authorised body will issue a statement of results for the theoretical examination to the operator’s employer.

APPENDIX 1: LIFTING MACHINE CERTIFICATION CODES

Forklift Codes

For illustrations of typical codes refer to Appendix 12

Code No.	Code Description
F1	Counterbalanced lift truck up to rated capacity of 3000 kg
F2	Counterbalanced lift truck up to rated capacity of 7000 kg
F3	Counterbalanced lift truck up to rated capacity of 15000 kg
F4	Counterbalanced lift truck above a rated capacity of 15000 kg
F5	Reach lift truck up to rated capacity of 2500 kg
F6	Pedestrian-controlled lift truck below rated capacity of 2000 kg
F7	Pedestrian-controlled lift truck above rated capacity of 2000 kg
F8	Order Picker lift truck - for first and second level racking (NA/WA)
F9	Order Picker lift truck - for all racking levels including high-rise (NA/WA)
F10	Side Loader lift truck
F11	Rough Terrain / /Agricultural Equipment with lift truck attachments,
F12	Pallet lift truck, battery-powered for propulsion (Specify Capacity)
F13	VNA lift truck, non-elevating cab, to service all levels
F14	VNA lift Truck, elevating cab, to service all levels
F15	Rail mounted stacker lift truck, non-elevating cab
F16	Rail mounted stacker lift truck, elevating cab

- VNA = Very Narrow Aisle
- NA Narrow Aisle
- WA Wide Aisle

Attachments & Special Equipment

A Side-shift
B Single Pole
C Carton or Paper Roll Clamp
D Crane Hook
E Push-Pull / Slip Sheet Equipment
F Load Rotator
G Wire Guidance System
H Load Extender Pantograph
I Rotating Mast (Order Picker)
J Tilting Bucket
K Tandem Forks

L	Container Handling
M	Mancage
N	Tyre handler

Code Specification on Competency Certificates

Accrediting Organisations are required to annotate certificates to clearly identify the machine category, code number and description. The description only where it significantly differs from the basic code description: i.e. code F11 (Bell Three-Wheeler/Front End Loader/Excavator with Fork/grab attachment)

Special Cases

In the case of additional or new attachment/s, the learner will be required to undergo retraining and assessment to include the attachment/s.

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CRANES CODES

Code No.	Code Description
C30	Overhead Crane Pendant and Radio Controlled
C31	Overhead Crane Cab Controlled
C32	Truck mounted Crane up to the Capacity specified on the Certificate
C33	Hydraulic Mobile Crane up to rated capacity of 50 000 kg
C34	Hydraulic Crane Pick up and Carry up to a rated capacity of 50 000 kg
C35	Hydraulic Mobile Crane to the rated capacity of above 50 000 kg and as specified on the Certificate
C36	Hydraulic Crane Pick up and Carry to the rated capacity of above 50 000 kg and as specified on the Certificate
C37	Lattice Boom Mobile Truck Crane up to rated capacity of 50 000 kg
C38	Lattice Boom Mobile Crawler up to rated capacity of 50 000 kg
C39	Lattice Boom Mobile Truck Crane to the rated capacity of above 50 000 kg as specified on the Certificate
C40	Lattice Boom Mobile Crawler Crane to the rated capacity of above 50 000 kg as specified on the Certificate
C41	Tower Crane: Top Slewing
C42	Tower Crane: Bottom Slewing
C43	Hydraulic Mobile Crane up to rated capacity of 15 000 kg
C44	Sugar Cane Crane
C45	Ships Crane
C46	Telescopic Boom Handler
C47	Wharf side Crane (Rail mounted)
C48	Reach Stacker (Telescopic Container Handler)
C49	Straddle Carrier
C50	Cantilever container Crane (Ship to Shore)
C51	Scotch Derrick Crane (Ship Mounted)
C52	Rail mounted Gantry Crane (RMG)
C53	Mobile elevated work platform
C54	Hoist & Winches.
C55	Rubber Tyred Gantry Crane
C56	Side Loader Container
C57	Floating crane
C58	Powered Wallmounted/Pedestal Jib crane
C59	Wharfside Jib crane (rubber tyred)
C60	Side boom crane

Note that the authorised body will maintain a list of approved learning elements per code. Providers must ensure that they are accredited on the relevant unit standards linked to these codes.

Attachments and Special Operations

O Fly Jib (Lattice)
P Boom Extension (Hydraulic)
Q Counterweight Options
R Tandem Lifts
S Special Categories
T Mancage
U Rail Mounted
V Steam driven
W Spreader
X Grab / grapple/forks

Code Specification on Competency Certificates

Accredited training providers are required to annotate certificates to clearly identify the machine category, code number and description. The description only where it significantly differs from the basic code description.

Special Cases

1. It is a pre-requisite that the operator of specialised equipment will be certificated in a basic category applicable to the special machine in question.

APPENDIX 2: GENERAL EXPLANATORY NOTES

These form part of the provisions of the Code

This appendix contains explanatory notes, which should be taken into account when additional clarity maybe required.

1. Accreditation of accredited training providers will remain valid whilst no non-conformances are recorded during annual audits. If any non-conformances are recorded the accredited training provider will have 30 days of the audit date to correct and provide any explanations, which may be required.

2. The responsibility of the accredited training provider shall go beyond simply carrying out training and assessments but shall include applying measures to ensure that the standards of training and assessments are maintained at all times.

3. An accredited training provider may operate as a training organisation on a client's premises. The registered facilitator shall ensure that sufficient equipment and facilities are available at the client's premises to undertake and complete the training programme to ensure the required level of competence. In all cases a record must be kept of the facilities and equipment used at the premises for inspection during audits. Any special circumstances such as the absence of suitable equipment to perform the practical tests required should be recorded and the certificate issued may require limitation endorsements.

4. Copies of all assessment papers and practical test marking sheets are required to be kept for each certificate of competence issued for audit purposes.

5. A composite organisation involved in the direct sale of equipment and which has sufficient staff to perform accredited training provider functions shall obtain accreditation and shall be required to demonstrate the following:

    a. That adequate safeguards are in place to isolate certification staff from those involved in the other aspects of the organisation to ensure that no pressures are brought to bare which may influence registered facilitator's and assessor's judgement.

    b. The organisation has a clearly defined policy for the resolution of conflict that may arise;

6. Accredited training providers requiring registered facilitators to use alternative course material, to their own proprietary material, must be able to demonstrate to the authorised body that they are conversant with the material and able to use it effectively.

7. An organisation applying for accreditation, as an accredited training provider must provide written approval for the use of the course material submitted unless it is clearly entirely of its own origination

8. Where conditions and/or equipment are insufficient to be able to assess an operator's performance under all types of situation then any certificate must be limited accordingly.

9. In the case of the client's only requirement is for the operator to load and off load road vehicles then the certificate of competence must be limited in either of the following manner:

    a. "Whilst in the employment of the Client"; or
    b. "For loading and off-loading road vehicles only"

The second alternative is preferred, as this will adequately represent the operator's competency if the certificate of competence is presented to another employer.

APPENDIX 3 EXAMPLE OF A PRACTICAL ASSESSMENT MARK SHEET

ACCREDITED PROVIDER:_____

CANDIDATE: _____.DATE: _____

I.D. NUMBER: _____.MACHINE TYPE: _____

MACHINE MAKE: _____ MACHINE CODE: _____

COMPANY: _____.CAPACITY:_____

PRE-START CHECKS (Delete items not specific to the test machine or conditions)

Personal Protective Equipment for the work environment _____
{May include hardhats, overalls, thermal suits, goggles, earplugs as applicable}

Safety Shoes/Boots		Load Chart & Max Mass Load	
Forks/Attachments ❋		Position of Forks	
Load Backrest		Tyre Condition & Pressure	
Machine Condition		Wheel Nuts	
Battery Terminals		Overhead Guards	
Electrolyte Level		Engine & Transmission Leaks	
Engine Oil Level ❋		Hydraulic Oil Leaks	
Hydraulic Oil Level		Brake Fluid Leaks	
Brake Fluid Level❋ __		Petrol/Diesel Leaks	
Radiator Water Level ❋		Gas Leaks	
Radiator Cap		Water Leaks	
Water Pump		Drivers Compartment	
Fan Belts		Mast & Chains ❋	
Fan Blades		Hydraulic Cylinders	
Drive Belts		Hoses Condition	
Fuel Level			

PRE-OPERATIONAL TESTS

Enter & Adjust Seat		Gauges (before and after)✱	
Control levers/pedals		Ignition Key	
Raise & lower		Foot Brake✱	
Tilt Front & Back		Hand/Park Brake✱	
Forward & Reverse		Steering Operation✱	
Horn		Attachment controls	
Lights/Indicators			

Total Items Unchecked_____

✱ Omission to check any one of these items would constitute the learner/operator not being yet competent of the Pre-start checks and Pre-operational test.

THEORY TEST QUESTIONS (group)

1 _____ 4 _____

2 _____ 5 _____

3 _____

Penalties

Total items unchecked from Pre-start and Operational Assessment:

_____: x 2 = _____*_

* Maximum 20 penalties

1 TOTAL PRE-START AND PRE-OPERATIONAL PENALTIES _____

PRACTICAL OPERATING ASSESSMENT

(Delete items not specific to the test machine)

Penalties

Forks Bind on Entry/Withdrawal _____ = _____: x 5 =_____

Forks not central under Load _____ = _____: x 5 =_____

Load not at Heel of Forks _____ = _____: x 5 =_____

Stack/De-stack with Mast Tilted _____ = _____: x 5 =_____

Fails to Stack/De-stack Correctly _____ = _____: x 5 =_____

Fails to Apply Park/Handbrake _____ = _____: x 5 =_____

Fails to Place in Neutral _____ = _____: x 5 =_____

Fails to Position Mast for Travel _____ = _____: x 5 =_____

Fails to Position Forks for Travel _____ = _____: x 5 =_____

Places Body Outside Cabin _____ = _____: x 5 =_____

Bump Side of Course _____ = _____: x 10 =_____

Fails to Look in Direction of Travel _____ = _____: x 5 =_____

Selects Wrong Control/Direction	_____	_____: x 10 =	_____
Shunts to Stack / Un-stack	_____	_____: x 1 =	_____
Shunts to negotiate Chicane	_____	_____: x 1 =	_____
Fails to Release Park/Handbrake	_____	_____: x 5 =	_____
Fails to hold steering wheel during travel	_____	_____: x 10 =	_____
Accelerates erratically	_____	_____: x 1 =	_____
Brakes erratically	_____	_____: x 3 =	_____
Uses Controls roughly	_____	_____: x 5 =	_____
Hands on Controls	_____	_____: x 5 =	_____

CLOSE DOWN CHECKS (PARK)

Fails to Place in Neutral	_____	_____: x 2 =	_____
Fails to Set Park Brake	_____	_____: x 2 =	_____
Fails to Set Mast and Forks	_____	_____: x 2 =	_____
Fails to Shut off Gas	_____	_____: x 2 =	_____
Fails to Operate Diesel Cut Out	_____	_____: x 2 =	_____
Fails to Switch Off	_____	_____: x 2 =	_____
Fails to Remove Key	_____	_____: x 2 =	_____

2 TOTAL OPERATING AND CLOSE DOWN PENALTIES _____

TIME PENALTIES

The assessor is to complete the course to establish a fair time (minimum 15 minutes) and then add 50% to establish the maximum time to complete the operational and close down (park) assessment.

Maximum time permitted _____Minutes_____Seconds

Duration of operating assessment _____ Minutes_____Seconds

3 TIME PENALTIES (6 penalties for every 60 seconds above the maximum) _____

Summary of Penalties

1 PRE-START AND PRE-OPERATIONAL	_____
2 OPERATING AND CLOSE DOWN	_____
3 TIME	_____
TOTAL PENALTIES	_____

Note

A maximum of 50% of the total scored penalty points calculated by 6 penalty points per 1 minute of operational assessment time (driving time).

27

RESULT:

COMPETENT NOT YET COMPETENT

Assessor: _____ Registration No: _____

Signature: _____ Date: _____

I the undersigned acknowledge that the process and results were explained to me and I accept the outcome of the assessment.

Signature/Mark of Learner: _____

APPENDIX 4: MANAGERIAL RESPONSIBILITIES

1. The person legally responsible for ensuring that the provisions of the Occupational Health and Safety Act and Regulations of 1993 are implemented on behalf of the employer is the Chief Executive Officer (C.E.O.).

2. In the case of a company without a board of directors or a closed corporation, the Owner will be the C.E.O.

3. In the case of a State department, the C.E.O. is the Director-General, not the Minister. [*Section 16 of the OHS Act, 1993*].

4. It is therefore incumbent upon the C.E.O. that proper information, instructions, training and supervision, as far as practicable are provided for the health and safety of employees. [*Section 8 (e) of the OHS Act, 1993*].

5. The necessary enforcement measures to assure the health and safety of employees are effected through a chain of command structure.

6. All lifting machine operators must be informed about what they are allowed to do. [*Sections 8 (j) and Section 37(1)(b)*].

7. The C.E.O. must ensure that a health and safety management system is in place to give effect to the provisions of the Act and regulations.

8. Anyone delegated by the C.E.O. to perform certain duties regarding information, instructions, training and supervision for employees, through the management chain of command structure and who omits to do so is contravening the Act and regulations and may be prosecuted.

APPENDIX 5: ACCREDITED TRAINING PROVIDERS FACILITIES RETURN

FACILITIES CHECK SHEET		**Appendix 5**
The accredited training provider is to complete this document, to record and describe any premises at which certification is offered that has not been inspected and approved by the authorised body ie client's premises		
	Question	Remarks
1	Full physical address details of the premises, including name of organisation, street address, suburb/industrial area, city/ town and the location of the practical training/test route area at premises	
2	Lifting machine code/s and description/s for which training is offered at the premises	
3	Description of equipment used and identification number of equipment	
4	The lifting machine capacity or rating	
5	Description of any attachments fitted to the lifting machine	
6	A general description of the duration training, re-certification done, and test route used at the premises	
7	Describe any limitations to the training and test route that may deviate from the standard routes set out in the code of practice for a specific lifting machine code.	
8	Describe any inherent dangers prevalent in the use of the lifting machine at the premises.	
	Signature of Client	**Signature of assessor**

APPENDIX 6: ILLUSTRATIONS OF LIFTIN MACHINE CODES

CODE DESCRIPTIONS



CODE F1
Counterbalanced Lift Truck
Up to rated capacity of 3000 kg



CODE F2
Counterbalanced Lift Truck
Up to rated capacity of 7000 kg



CODE F3
Counterbalanced Lift Truck
Up to rated capacity of 15000 kg



CODE F4
Counterbalanced Lift Truck
Above rated capacity of 15000 kgs



CODE F5
Reach Lift Truck
Up to rated capacity of 2500 kg



CODE F6
Pedestrian-Controlled Lift Truck
Below rated capacity of 2000 kg



CODE F7
Pedestrian-Controlled Lift Truck
Above rated capacity of 2000 kg



CODE F8
Order Picker Lift Truck
For First and Second Level Racking (NA/WA)



CODE F9
Order Picker Lift Truck
For All Racking Levels Including High-Rise (NA/WA)



CODE F10
Side Loader Lift Truck
Capacity as Specified on the Certificate



CODE F11 (A)
Rough Terrain/Earthmoving/Agriculture Equipment with Lift Truck Attachment



CODE F11 (B)
Rough Terrain/Earthmoving/Agriculture Equipment with Lift Truck Attachment



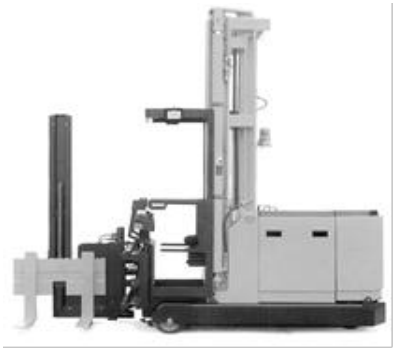
CODE F11 (C)
Rough Terrain/Earthmoving/Agriculture Equipment with Lift Truck Attachements



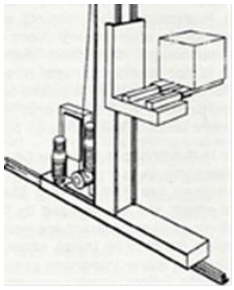
CODE F12
Pallet Lift Truck Battery Operated



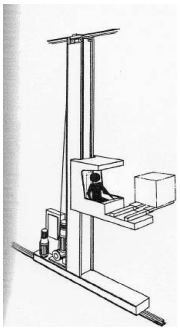
CODE F13
VNA Lift Truck Non-Elevating Cab Services all levels



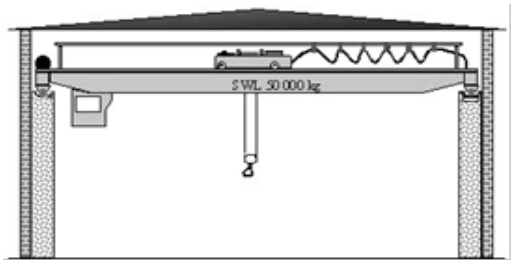
CODE F14
VNA Lift Truck Elevating Cab Service all levels



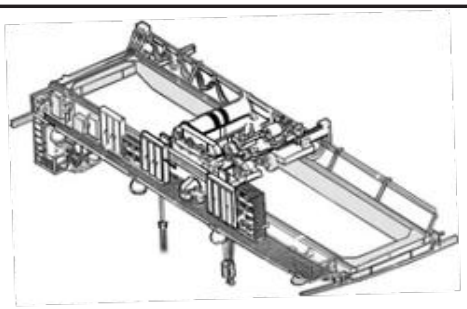
CODE F15
Railmounted Stacker Lift Truck Non-Elevating cab



CODE F16
Railmounted Stacker Lift Truck Elevating cab



CODE C30
Overhead Crane Pendant and Radio Controlled



CODE C31
Overhead Crane Cab Controlled



CODE C32
Truck mounted Crane up to the capacity stated on the certificate



CODE C33
Hydraulic Mobile Crane up to 50 000 kg capacity



CODE C34
Hydraulic Crane Pickup and Carry up to 50 000 kg capacity



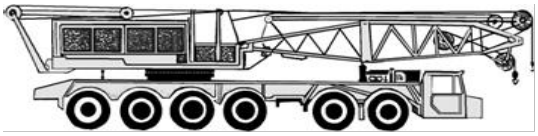
CODE C35
Hydraulic Mobile Crane

Above 50 000 kg capacity

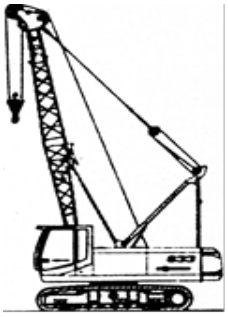


CODE C36
Hydraulic Crane Pickup and Carry

Above 50 000 kg capacity



CODE C37
Lattice Boom Mobile Truck Crane up to 50 000 kg capacity

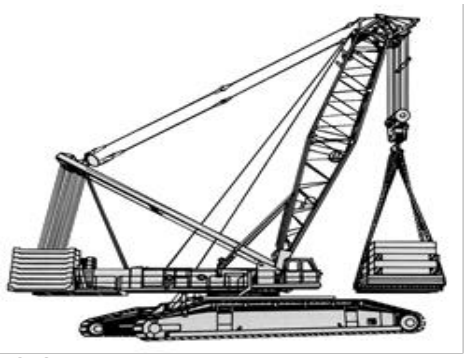


CODE C38
Lattice Boom Mobile Crawler Crane up to 50 000 kg capacity

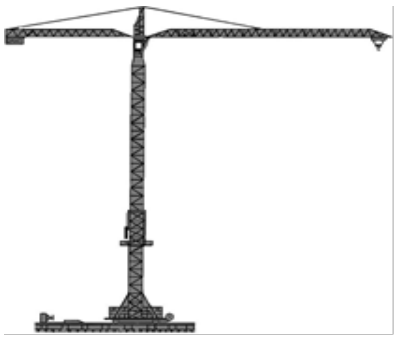


CODE C39
Lattice Boom Mobile Truck Crane

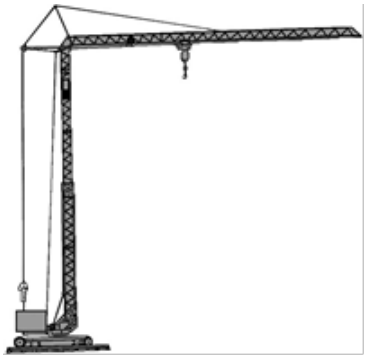
Above 50 000 kg capacity as stated on the certificate



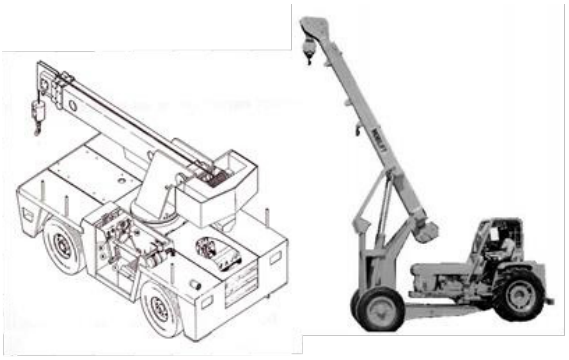
CODE C40
Lattice Boom Mobile Crawler Crane
Above 50 000 kg capacity as stated on the certificate



CODE C41
Tower Crane: Top Slewing



CODE C42
Tower Crane: Bottom Slewing



CODE C43
Mobile Hydraulic Crane up to 15000 kg capacity



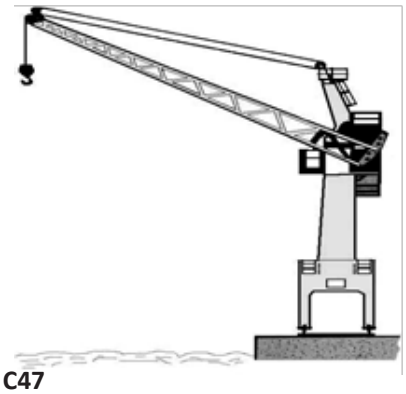
CODE C44
Sugar Cane Crane



CODE C45
Ships Crane



CODE C46
Telescopic Boom Handler



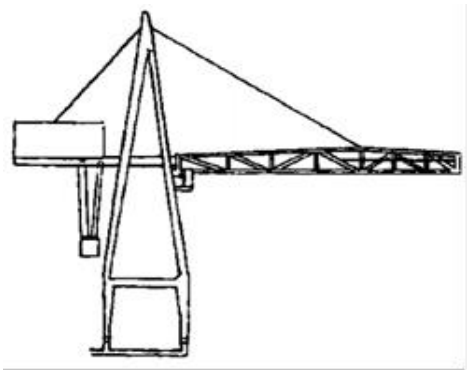
CODE C47
Wharf Side Crane: (Railmounted)



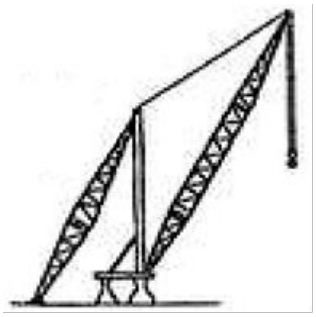
CODE C48
Reach Stacker

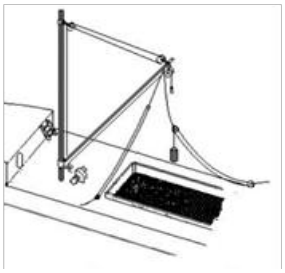


CODE C49
Straddle Carrier



CODE C50
Cantilever Container Crane





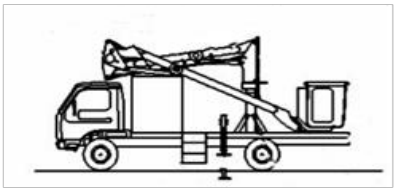
CODE C51
Scotch Derrick Crane (Ship mounted)



CODE C52
Rial Mounted Gantry Crane



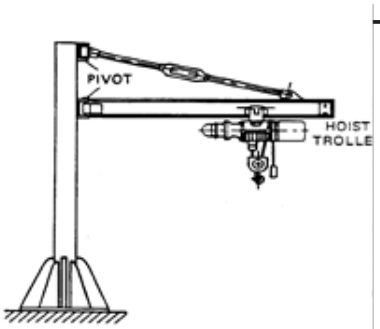




CODE C53
Mobile Elevated Work Platform



CODE C54
Hoist on a fixed structure



CODE C54
Pillar Mounted Jib Crane



CODE C55
Rubber Tyred Grantry Crane



CODE C56
Side Loader Container

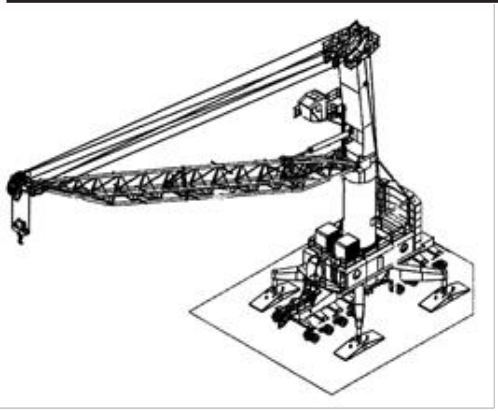


CODE C57
Floating Crane



CODE C58
Wall Mounted Jib Crane

38



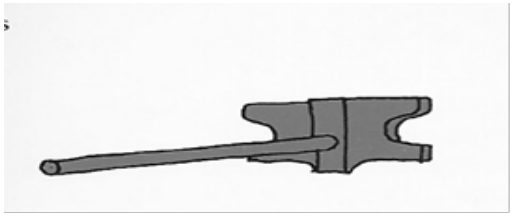
CODE C59
Wharfside Jib Crane (Rubber Tyred)



CODE C60
Side Boom Crane



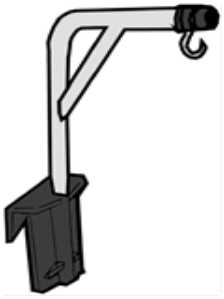
A Side - Shift



B Single POLE



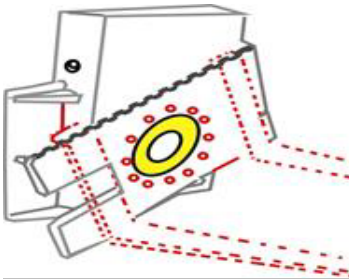
C Carton or Paper Roll Clamp



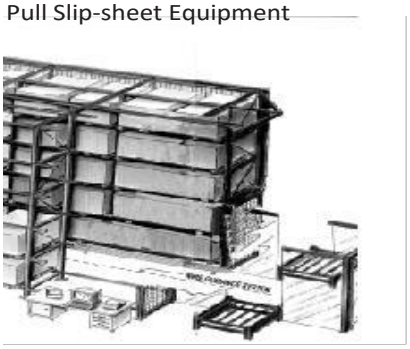
D Crane Hook



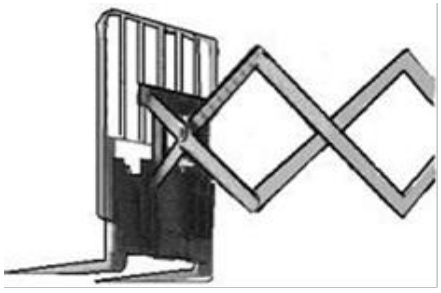
E Push Pull Slip-sheet Equipment



F Load Rotator



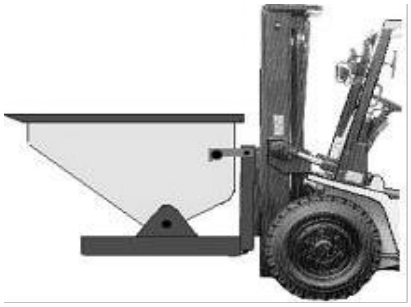
G Wire Guidance System



H Load Extended Pantograph



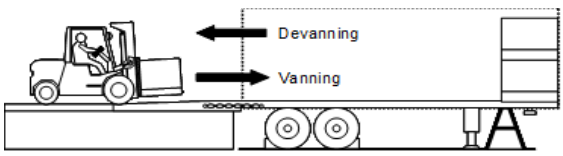
I Rotating Mash



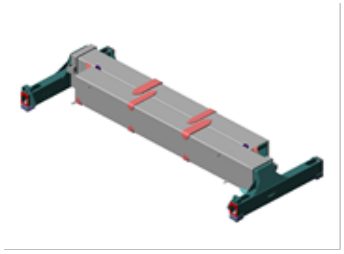
J Tilting Bucket



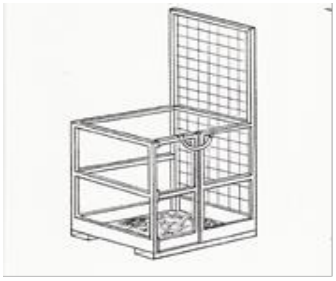
K Tandem Forks



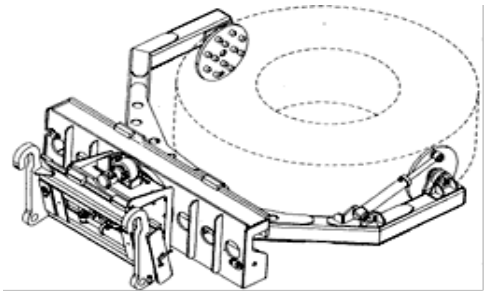
L Container Vanning and Devanning



L Container Handling

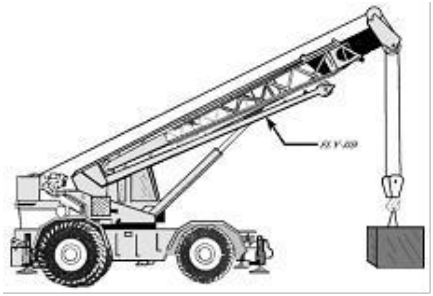


M Lifting Cradle (Personnel Cage)

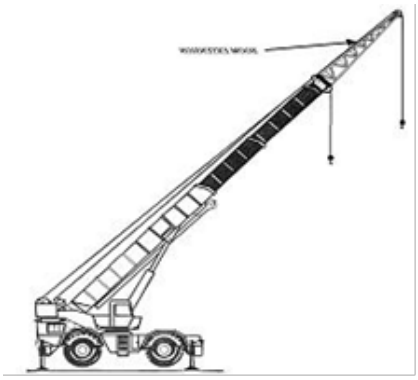


N Earthmoving Tyre Handling

ATTACHMENT AND SPECIAL OPERATIONS (CRANES)



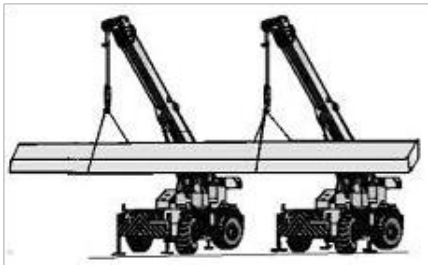
O Fly-jib (Lattice)



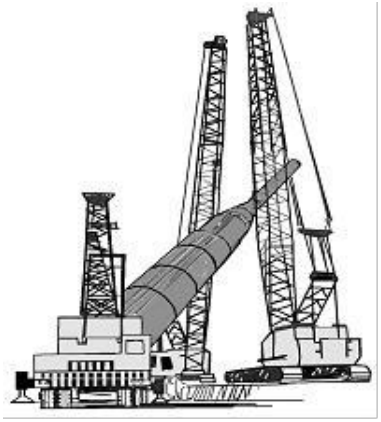
P Boom Extension (Hydraulic)



Q Counterweight Options



R Tandem Lifts



S Special Categorie



T Lifting Craddle (Personnel Cage)





U Rail Mounted Crane



V Steam Driven Crane



W Container Spreader



X Grable / Grapple









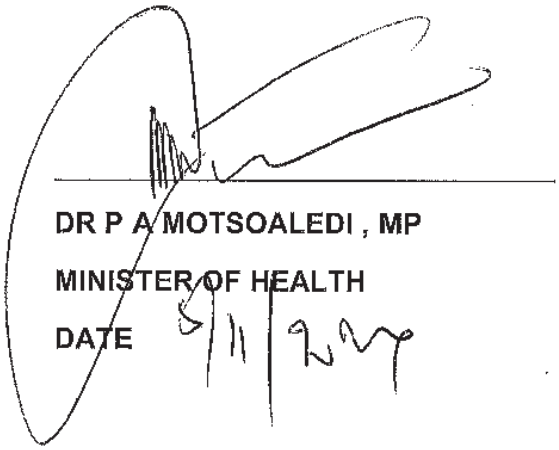
DEPARTMENT OF HEALTH

NO. 5589 **29 November 2024**

HEALTH PROFESSIONS ACT, 1974 (ACT NO.56 OF 1974)

REGULATIONS RELATING TO THE QUALIFICATIONS FOR THE REGISTRATION OF GRADUATE CLINICAL TECHNOLOGISTS: AMENDMENT 2024

The Minister of Health has, in terms of section 24 and section 61(1)(a)(i) of the Health Professions Act, 1974 (Act No. 56 of 1974), and on the recommendation of the Health Professions Council of South Africa, made the regulations in the Schedule.



DR P A MOTSOALEDI , MP
MINISTER OF HEALTH
DATE 5/11/2024

SCHEDULE

Definitions

1. In these regulations, and any word or expression to which a meaning has been assigned in the regulations shall bear such meaning, unless the context indicates otherwise –

"the regulations" means the regulations relating to the qualifications for the registration of Graduate Clinical Technologists as published under Government Notice No. 122 in *Government Gazette* No. 29612 of 16 February 2007.

Amendment of the Annexure to the regulations

2. The Annexure to the regulations is hereby amended by the insertion of the following qualifications:

Examining Authority and qualification	***Abbreviation for registration***
Central University of Technology	
Bachelor of Health Sciences in Clinical Technology	BHCLT
Durban University of Technology	
Bachelor of Health Sciences in Clinical Technology	BHCLT
Tshwane University of Technology	
Bachelor of Health Sciences in Clinical Technology	BHCLT

Short title

3. These regulations are called Regulations relating to the Qualifications for the Registration of Graduate Clinical Technologists: Amendment 2024.

DEPARTMENT OF SPORTS, ARTS AND CULTURE

NO. 5590 **29 November 2024**

SOUTH AFRICAN HERITAGE RESOURCES AGENCY

DECLARATION OF THE UMQWASHU MEMORIAL SITE, PEDDIE, EASTERN CAPE AS A NATIONAL HERITAGE SITE

By virtue of the powers vested in the South African Heritage Resources Agency (SAHRA), in terms of section 27 (5) of the National Heritage Resources Act (No. 25 of 1999), SAHRA hereby declares the UmQwashu Memorial Site situated on Farm 27, Peddie, Amathole District, Eastern Cape as a National Heritage Site.

Statement of Significance

The UmQwashu Memorial Site represents a pivotal point in the history of the Eastern Cape, following the oath that was taken on 14th May 1835 after the migration from Butterworth to Peddie by a group of amaMfengu. The amaMfengu were among the first African converts, the first to make use of a plough and to plant wheat. They also aligned themselves with the British and were exposed to missionary education the longest of all African groups. This exposure led to some of the first African academics to have come from the Mfengu, for example, DDT Jabavu, the first African to obtain a BA Degree.

The Memorial is a tangible reminder of the moment that represents, on the one hand, the success of the British eastward expansion; and the methods used by both the Cape Administration and the British missionaries to ensure the Evangelisation of Africans and expansion of colonial rule in Africa. Yet on the other hand, the memorial is the embodiment of Mfengu identity. It represents the turning point for socio-cultural changes that had a lifelong impact on the Mfengu. The Vows became a guiding principle on which the Mfengu's self-perception is formed.

Schedule

The demarcation of the sites is as follows:

SITE NAME	FARM/ERF NO	TOWN	MUNICIPALITY		PROVINCE	SG Diagram
			Local Municipality	District Municipality		
UmQwashu Memorial Site	Farm 27	Peddie	Ngqushwa Local Municipality	Amathole District Municipality	Eastern Cape	

Coordinates:

Site Name	Point	Latitude	Longitude
UmQwashu Memorial Site	A	33° 5'55.90"S	27° 4'32.40"E
	B	33° 5'56.87"S	27° 4'31.55"E
	C	33° 5'59.08"S	27° 4'34.95"
	D	33° 5'58.06"S	27° 4'35.73"E

END

DEPARTMENT OF WATER AND SANITATION

NO. 5591 **29 November 2024**

NOTICE FOR THE REGISTRATION OF EXISTING DAMS WITH A SAFETY RISK IN TERMS OF NATIONAL WATER ACT, 1998 (ACT NO 36 OF 1998)

I, Miss Pemmy C.P. Majodina, MP in my capacity as Minister of Water and Sanitation, and duly authorised in terms of section 123(1) of the National Water Act, 1998 (Act No. 36 of 1998), read with Regulation 37 of the Dam Safety Regulations R 139 of 24 February 2012, do hereby notify all owners of existing unregistered dams with a safety risk in terms of section 120 of the Act and the schedule hereto to register their dam (s) at the Department within 60 days of publication of this notice in the Gazette and for owners of existing registered dams to confirm their details.

Any enquiries or request for further information can be directed to the Specialist Unit: Dam Safety Regulation at damsafety@dws.gov.za or alternatively contact Ms Mokgadi Modipane at 082 802 7092 or Ms Makgano Tlaka at 083 412 2649.

The Government Notice and Classification and Registration forms for dams with a safety risk can be accessed at the department's website or by following this link: www.dws.gov.za/dso/forms.

Miss Pemmy C.P. Majodina, MP
Minister of Water and Sanitation
Date: 18/10/2024

SCHEDULE

NATIONAL WATER ACT, 1998
REGULATIONS REGARDING THE SAFETY OF DAMS IN TERMS OF SECTION 123(1)

1. Definitions

"dam with a safety risk" is defined as a dam with a storage capacity of more than 50 000 m3 whether that water contains any substance or not and which has a wall of a vertical height of more than 5m. Measured as the vertical difference of the lowest between lowest downstream, ground elevation on the outside of the dam wall and the non-overspill crest level or the general top level of the dam wall.

"the Act" means the National Water Act, 1998 (Act No. 36 of 1998).

2. Area of applicability

This notice is applicable to all dam owners with a dam, with a safety risk within South Africa.

3. Submission of Registration and Classification Forms

Within sixty (60) days of the notice's publication, anybody who owns or rents property with a dam with a safety risk meeting the above definition are required to verify the dam's registration status with the Department.

Should the dam be registered, one should ensure that the contact details are updated. This also applies to those that the ownership of the dams with a safety risk have changed.

Should the dam in question not be registered with the Department in terms of Section 120 of the National Water Act, 1998 the owner shall be required to submit registration and classification forms to ensure compliance.

a) Only official registration forms may be used.
b) The following Classification and Registration forms should be used:

- DW692E: Application form for the classification of a new dam, or enlargement or alteration of an existing dam.
- DW693E: Registration of an existing dam.

c) Classification and Registration forms for dams with a safety risk can be found on the department's website or by following this link: www.dws.gov.za/dso/forms.

d) The classification and registration forms must be submitted within sixty (60) days of publication of this notice in the Gazette.

4. **Cost of Registering and Classification of Dams**

No charge will be payable for an application to register dam with a safety risk.

Should a dam not appear on the register the dam will need to be classified first by the Department. Classification of a dam with a safety risk is based on its size and hazard potential to determine the level of control over the safety of the structure that is applicable in terms of the Regulations R. 139 of 24 February 2012.

5. **Failure to Register**

A person who contravenes or fails to comply with any provision of this notice, the National Water Act and Dam Safety Regulations R. 139 of 24 February 2012 is guilty of an offence and liable, on conviction to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NOTICE 2855 OF 2024

INTERGOVERNMENTAL RELATIONS FRAMEWORK AMENDMENT BILL OF 2024

The Minister of Cooperative Governance and Traditional Affairs intends introducing the Intergovernmental Relations Framework Amendment Bill, 2024 in the National Assembly.

The Bill and the explanatory summary of the Bill are hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly, for public comments.

Members of the public are invited to submit written comments on or before 17 January 2025 by—

(a) posting such comments to the following address:

Department of Cooperative Governance

Private Bag X804

PRETORIA

0001;

(b) delivering such comments by hand at the following address:

Department of Cooperative Governance

87 Hamilton Street

Arcadia

PRETORIA; or

(c) e-mailing such comments to the following address: ashleyl@cogta.gov.za

Comments must be addressed to the Director-General: Cooperative Governance and marked for the attention of Mr Ashley Losch.

Comments received after the closing date will not be considered.

REPUBLIC OF SOUTH AFRICA

INTERGOVERNMENTAL RELATIONS FRAMEWORK AMENDMENT BILL

(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill and prior notice of its introduction published in Government Gazette No. ----of----) (The English text is the official text of the Bill)

(MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS)

[B — 2024]

050224nb

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Intergovernmental Relations Framework Act, 2005, so as to insert certain definitions; to establish new intergovernmental structures and increase the composition of the existing intergovernmental structures; to prescribe the minimum number of meetings each intergovernmental structure must hold in a year; to assign the administrative functions for meetings of the President's Co-ordinating Council to the Minister in the Presidency; to provide for the coordination of intergovernmental assignment of powers and functions; to provide for the coordination of intergovernmental planning, budgeting and implementation; to introduce a timeframe within which parties to an intergovernmental dispute must convene a meeting between themselves after the dispute has been declared; to empower the Minister to request a Cabinet member responsible for the function affected by an intergovernmental dispute to convene the meeting of the parties to that dispute; to empower the MEC for local government in a province to request the MEC responsible for the function affected by an intergovernmental dispute in a province to convene the meeting of the parties to that dispute; to provide afresh for intervals at which the Minister is required to table a report in Parliament; to require Cabinet members and

premiers to submit reports to the Minister once every six months; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows—

Amendment of section 1 of Act 13 of 2005

1. Section 1 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) (hereinafter referred to as the principal Act) is hereby amended—

(a) by the insertion before the definition of **''consultation''** of the following definitions:

"agency agreement", in relation to a municipality, means an agreement contemplated in section 238(b) of the Constitution in terms of which a municipality undertakes to exercise a power or function on behalf of an executive organ of state on an agency basis;

"assignment" means a legislative or executive assignment contemplated in sections 99 and 126 of the Constitution in terms of which an assignment of power or function from national to a province or from a province to local government is undertaken;";

(b) by the insertion after the definition of **''council''** of the following definition:

"delegation" in relation to a municipality, means delegation to a municipality—

(a) in terms of section 238*(a)* of the Constitution; or

(b) in terms of a power contained in national or provincial legislation;";

(c) by the insertion after the definition of **''district''** of the following definition:

"district spaces" means geographical areas whose extent and boundaries coincide with those of Category C municipalities as described in section 155(1) of the Constitution and represent focal areas for the convergence of all three spheres of government in undertaking and ensuring integrated planning, budgeting, implementation and monitoring;";

(d) by the insertion in the definition of **"intergovernmental development plan"** of the following definition:

"intergovernmental development plan" means one plan as defined in the regulations framing the institutionalisation and implementation of District Development Model in terms of section 47(1)(b) of the Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005).

(e) by the insertion in the definition of **"intergovernmental forum"** after paragraph *(e)* of the following paragraph:

"*(eA)* a metropolitan intergovernmental forum established in terms of section 23A;";

(f) by the insertion after the definition of **''MEC for local government''** of the following definitions:

"**metropolitan"** means the area of jurisdiction of a metropolitan municipality;

"metropolitan spaces" means geographical areas whose extent and boundaries coincide with those of Category A municipalities as described in terms of section 155(1) of the Constitution and represent focal areas for the convergence of all three spheres of government in

undertaking and ensuring integrated planning, budgeting, implementation and monitoring;";

(g) by the insertion after the definition of **''Municipal Systems Act''** of the following definition:

"MunMec" means an intergovernmental body consisting of the MEC or provincial Minister responsible for local government in the province and mayors of municipalities;"; and

(h) by the insertion after the definition of **''provincial organ of state''** of the following definition:

"service provider" means any company, close corporation or trust that meets the definition of **"personal service provider"** as defined in the **Income Tax Act, 1962 (Act No. 58 of 1962)**;".

Amendment of section 6 of Act 13 of 2005

2. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) There is a President's Co-ordinating Council consisting of—

(a) the President;

(b) the Deputy President;

(c) the Minister in the Presidency;

(d) the Minister;

(e) the Cabinet member responsible for finance;

(f) the Cabinet member responsible for the public service;

(g) the Premiers of the nine provinces;

(h) A member of the Executive Councils of each of the nine provinces nominated by the Premiers;

(i) the mayors of the metropolitan municipalities;

(j) a local government representative from each province designated by the national organisation representing organized local government; and

(k) a representative designated by the National House of Traditional and Khoi-San leaders.”

Amendment of section 8 of Act 13 of 2005

3. Section 8 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) Suggestions for inclusion in the agenda for a meeting may be submitted to the Minister in the Presidency in terms of a framework determined by the President.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) The Minister in the Presidency is responsible for providing administrative and other support services to the Council.”; and

(c) by the addition after subsection (3) of the following subsection:

“(4) Meetings of the Council must be held at least once in three months.”.

Amendment of section 14 of Act 13 of 2005

4. Section 14 of the principal Act is hereby amended by the addition after subsection (3) of the following subsection:

"(4) Meetings of the forum must be held at least once in three months.".

(5) The President may convene a special meeting of the forum if necessary.

(6) Two or more members may request the chairperson in writing—

(a) to convene a special meeting of the forum at a proposed place and time set out in the request."

Amendment of section 17 of Act 13 of 2005

5. Section 17 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph *(e)* of the following paragraph:

"*(e)* the administrator of any of those municipalities if the municipality is subject to an intervention in terms of section 139 of the Constitution; [**and**]";

(b) by the substitution in subsection (1) for paragraph *(f)* of the following paragraph:

"*(f)* a municipal councillor designated by organised local government in the province[**.**]; and"; and

(c) by the addition in subsection (1) after paragraph *(f)* of the following paragraph:

"*(g)* a representative from the relevant provincial house of traditional and Khoi-San leaders.".

Amendment of section 18 of Act 13 of 2005

6. Section 18 of the principal Act is hereby amended by the substitution for paragraph *(b)* of the following paragraph:

"*(b)* to consider reports from—

(i) other provincial intergovernmental forums on matters of mutual interest to the province and local governments in the province; and

(ii) district, metropolitan and inter municipal intergovernmental forums in the province.".

Amendment of section 19 of Act 13 of 2005

7. Section 19 of the principal Act is hereby amended—

(a) by the addition after subsection (3) of the following subsections:

"(4) Meetings of the forum must be held at least once in three months.

(5) The Premier may convene a special meeting of the forum if necessary.

(6) Two or more members may request the chairperson in writing—

(b) to convene a special meeting of the forum at a proposed place and time set out in the request."

Insertion of sections 20A,20B,20C and 20D in Act 13 of 2005

8. The following sections are hereby inserted after section 20 of the principal Act:

"**Establishment of MunMEC or similar intergovernmental forums**

20A. A MunMEC or similar intergovernmental forums are hereby established to promote and facilitate intergovernmental relations between a province and local governments in the province.

Composition of MunMEC or similar intergovernmental forums

20B. (1) A MunMEC and similar intergovernmental forums consists of—

(a) the Member of the Executive Council of a province who is responsible for local government in the province;

(b) the Member of the Executive Council of the province who is responsible for finance in the province;

(c) the Director-General of the province;

(d) Any other Member of the Executive Council of the province who is responsible for a matter under discussion;

(e) the mayors of district and local municipalities in the province;

(f) the Director-General of the province;

(g) the Head of Department responsible for local government in the province;

(h) the administrator of any of those municipalities if the municipality is subject to an intervention in terms of section 139 of the Constitution;

(i) where applicable, a representative from the provincial house of traditional and Khoi-San leaders; and

(j) the chairperson of organised local government in the province.

(2) The MEC or Minister of a province who is responsible for local government in the province is the chairperson of the forum.

(3) The chairperson may invite any person not mentioned in subsection (1) to a meeting of the forum.

Role of MunMEC or similar intergovernmental forum

20C. A MunMEC or similar intergovernmental forum is a consultative forum for the MEC or Minister of a province who is responsible for local government in the province and local governments in the province—

(a) to discuss and consult on matters of mutual interest, including—

(i) the implementation in the province of legislation affecting local government interests;

(ii) matters arising in the Premier's intergovernmental forum affecting local government interests in the province;

(iii) draft national policy and legislation relating to matters affecting local government's interests in the province;

(iv) the implementation of municipal legislation;

(v) the implementation of provincial policy and legislation with respect to such matters;

(vi) the co-ordination and alignment of the strategic and performance plans and priorities, objectives and strategies of the provincial government and local governments in the province; and

(vii) any other matters of strategic importance that affect the interests of local governments in the province; and

(b) to consider reports from—

(i) other provincial intergovernmental forums on matters of mutual interest to the province and local governments in the province; and

(ii) district, metropolitan and inter municipal intergovernmental forums in the province.

Meetings of MunMEC or similar intergovernmental forum

20D. (1) The chairperson referred to in section 20B(2)—

(a) convenes the meetings of the MunMEC or similar intergovernmental forum; and

(b) determines the agenda for a meeting of the forum.

(2) Suggestions for inclusion in the agenda for a meeting may be submitted to the relevant support office as defined in a framework determined

by the MEC or provincial Minister responsible for local government in a province.

(3) The support office contemplated in subsection (2) is responsible for providing administrative and other support services to the forum.

(4) Meetings of the forum must be convened at least once in three months.

(5) The chairperson of the forum may convene a special meeting of the forum if necessary.

(6) Two or more mayors in a province may request the chairperson in writing—

(a) to convene a special meeting of the forum at a proposed place and time set out in the request."

Insertion of sections 21A,21B, 21C and 21D in Act 13 of 2005

9. The following sections are hereby inserted after section 21 of the principal Act:

"**Establishment of sectoral intergovernmental forums**

21A. (1) The Executive Council may authorise any member of the Executive Council to establish a sectoral intergovernmental forum—

(a) for any specific function to promote and facilitate effective and efficient intergovernmental relations between a sector department in the province and municipalities with respect to that function; or

(b) for any specific geographical area in the province to promote and facilitate effective and efficient intergovernmental relations between the province and municipalities in that part.

(2) Any provincial intergovernmental forum established for a purpose referred to in subsection (1) that existed when this Act took effect must for the purpose of this Act be regarded as having been established in terms of subsection (1), until disestablished by the Premier.

(3) Decisions taken by a sectoral intergovernmental forum are binding.

Composition of sectoral intergovernmental forums

21B. (1) A sectoral intergovernmental forum comprises of—

(a) The MEC or provincial Minister responsible for the function for which the sectoral intergovernmental forum is established;

(b) the relevant mayors;

(c) representatives of the relevant provincial departments;

(d) provincial representatives of state-owned entities, with the necessary decision making authority;

(e) representatives of provincial public entities, with the necessary decision making authority."

Role of sectoral intergovernmental forums

21C. A sectoral intergovernmental forum is a forum to discuss, consult and agree on matters of mutual interest, including—

(a) information sharing, best practice, and capacity building;

(b) co-operating on sectoral developmental challenges affecting municipalities in the province;

(c) matters relating to policy development;

(d) matters relating to conflict resolution;

(e) matters relating to resource mobilisation; and

(f) any other matter of strategic importance which affects the interests of the affected sector.

Meetings of sectoral intergovernmental forums

21D. (1) The MEC or provincial Minister responsible for the function for which the sectoral intergovernmental forum is established—

(a) convenes the meetings of the forum; and

(b) determines the agenda for a meeting of the forum.

(2) The MEC or provincial Minister responsible for the function for which the sectoral intergovernmental forum is established presides at meetings of the forum, but if that MEC or provincial Minister is absent from a meeting, the members present must elect another member to preside at the meeting.

(3) The support office in terms of a framework determined by the MEC or provincial Minister responsible for the sectoral intergovernmental forum is responsible for providing administrative and other support services to the forum.

(4) Meetings of the forum must be convened at least once in three months.

(5) The MEC or provincial Minister responsible for the function for which the sectoral intergovernmental forum is established may convene a special meeting of the forum if necessary.

(6) Two or more mayors in a province may request the chairperson in writing—

(a) to convene a special meeting of the forum at a proposed place and time set out in the request."

Insertion of sections 23A,23B, 23C and 23D in Act 13 of 2005

10. The following sections are hereby inserted after section 23 of the principal Act:

"**Establishment of metropolitan intergovernmental forums**

23A. There is a metropolitan intergovernmental forum, where a metropolitan municipality exist, to promote and facilitate intergovernmental relations between the metropolitan municipality, national and provincial government departments.

Composition of metropolitan intergovernmental forums

23B. (1) The metropolitan intergovernmental forum consists of—

(a) the mayor of the metropolitan municipality as the chairperson;

(b) the municipal manager of the metropolitan municipality;

(c) senior managers of the metropolitan municipality as directed by the municipal manager of the metropolitan municipality;

(d) representatives from national and provincial departments and organs of state as invited by the chairperson;

(e) representatives from organised local government as invited by the chairperson; and

(f) where applicable a representative from the provincial house of traditional and Khoi-San leaders as invited by the chairperson.

(2) The chairperson may invite any person not mentioned in subsection (1) to a meeting of the forum.

Role of metropolitan intergovernmental forums

23C. (1) The role of a metropolitan intergovernmental forum is to serve as a consultative forum for the metropolitan municipality, national and provincial departments to discuss and consult each other on matters of mutual interest, including—

(a) draft national and provincial legislation relating to matters affecting local government interests in the metropolitan municipality;

(b) the implementation of national and provincial policy and legislation with respect to such matters in the metropolitan municipality;

(c) matters arising in the Premier's intergovernmental forum affecting the metropolitan municipality;

(d) the provision of services in the metropolitan municipality;

(e) coherent planning and development in the metropolitan municipality; and

(f) any other matter of strategic importance which affects the interests of the metropolitan municipality.

(2) A metropolitan intergovernmental forum may refer a matter arising in the forum to—

(a) the Premier's intergovernmental forum; or

(b) any other provincial intergovernmental forum established in terms of section 21.

Meetings of metropolitan intergovernmental forums

23D. (1) The chairperson of the metropolitan intergovernmental forum—

(a) convenes the meetings of the forum; and

(b) determines the agenda for a meeting of the forum.

(2) The chairperson of the metropolitan intergovernmental forum presides at meetings of the forum, but if that chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.

(3) The metropolitan municipality is responsible for providing administrative and other support services to the forum.

(4) Meetings of the forum must be convened at least once in three months.

(5) The forum must meet at least once in three months with service providers and other role players concerned with development in the

metropolitan municipality to co-ordinate effective provision of services and planning.".

Amendment of section 25 of Act 13 of 2005

11. Section 25 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph *(b)* of the following paragraph:

"*(b)* the mayors of the local municipalities in the district or, if a local municipality does not have a mayor, a councilor designated by the municipality; [**and**]";

(b) by the substitution in subsection (1) for paragraph *(c)* of the following paragraph:

"*(c)* the administrator of any of those municipalities if the municipality is subject to an intervention in terms of section 139 of the Constitution[**.**]; and"; and

(c) by the addition in subsection (1) after paragraph *(c)* of the following paragraph:

"*(d)* a representative from the local house of traditional and Khoi-San leaders.".

Amendment of section 28 of Act 13 of 2005

12. Section 28 of the principal Act is hereby amended by the addition after subsection (2) of the following subsection:

"(3) An intermunicipality forum may include representatives from designated national and provincial sector departments determined by agreement between the participating municipalities as envisaged in subsection (2).".

Amendment of section 29 in Act 13 of 2005

13. Section 29 of the principal Act is hereby amended by the substitution for the words preceding paragraph *(a)* of the following words-

29. The role of an intermunicipality forum, that is convened by mutual agreement amongst members, is to serve as a consultative and implementation forum for the participating municipalities and designated national and provincial sector departments to discuss, [and] consult and agree with each other on matters of mutual interest, including—

Amendment of section 32 of Act 13 of 2005

14. Section 32 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) **[Although it is not an executive decision-making body]**, It [**may**]must adopt resolutions and make recommendations that are binding, in terms of agreed procedures where required."

Amendment of section 33 of Act 13 of 2005

15. Section 33 of the principal Act is hereby amended—

(a) by the insertion subsection (1) after paragraph (e) of the following paragraph:

(fA) "procedures to address non-adherence to the adopted resolutions and recommendations;"; and

(b) by the substitution for subsection (4) of the following subsection:

"(4) Any intergovernmental body not established in terms of this Act must comply with subsection (1) within [**one year**]six months unless an Act of Parliament in terms of which it was established specifically regulates the rules of such intergovernmental body.".

Amendment of section 34 of Act 13 of 2005

16. Section 34 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"The Minister [**may**]must, by notice in the *Gazette"*—

Insertion of sections 34A and 34B in Act 13 of 2005

17. The following sections are hereby inserted after section 34 of the principal Act:

"**Coordination of intergovernmental assignment of powers and functions**

34A. (1) A Cabinet member and the Member of Executive Council, when assigning a function or power through an Act of Parliament or any related

provincial Act, to another sphere of government must consider the following guiding principles—

(a) assignment of a function or power must be executed in a manner that avoids sectoral mismatch of functions and powers across spheres of government;

(b) assignment of a function or power, regardless of the precise permutations, must ensure predictability and order to enable provinces and municipalities to plan and budget accordingly;

(c) assignment of a function or power must be done in consultation with the relevant sphere that will be implementing the function or power to ensure it's involvement and accountability;

(d) the location of a function or power at provincial or municipal level may not compromise essential interests of national government, including equity of access, and must foster specialisation of that sphere;

(e) emphasis must be placed on locating the primary responsibility for any function with any sphere of government to avoid challenges associated with concurrency;

(f) specialisation of services must be considered when assigning a function or power within a sphere in order to align with the geographic, settlement and the socio economic context;

(g) each sphere executing a function or power must ensure efficient provision of a function;

(h) spheres must consider integrating services which have technical relationships to be provided by a single organisation; and

(i) the source of finance should be aligned with the function, and tariff-based services must be provided by the organisation collecting the tariffs.

(2) The application of principles of rationality must translate into a clear governance scheme for managing concurrency within the three spheres of government.

(3) National government must focus on providing—

(i) the development of a coherent policy;

(ii) securing appropriate funding to provincial and local service delivery;

(iii) monitoring provincial and local government performance;

(iv) detecting and intervening to ensure the fulfillment of provincial and local government executive obligations; and

(v) providing financial and technical support to provinces and municipalities;

(4) National government must provide services if and when it is in the national interest to do so;

(5) Provinces must provide core functions such as primary health care, basic education, provincial roads and agricultural services;

(6) Devolutions of functions to local government must be fully funded, including with requisite capacity in the year that is being devolved and through the Medium-Term Revenue and Expenditure Framework.

Managing coordination of intergovernmental planning, budgeting and implementation

34B. (1) The national sphere of government, including all national organs of state must develop and implement funded intergovernmental development plans in each district and metropolitan space utilising the intergovernmental structures outlined in this Act.

(2) The formulated intergovernmental development plans of the national sphere of government and organs of state must be explicit in all municipal integrated development plans and municipal spatial development framework.

(3) The provinces, including all provincial organs of state must develop and implement funded intergovernmental development plans covering each district and metropolitan space within the province utilising the intergovernmental structures outlined in this Act.

(4) The formulated intergovernmental development plans of the provincial sphere of government and organs of state must be explicit in all municipal integrated development plans.

(5) A district municipality and local municipalities under its jurisdiction, including entities of the district municipality and the local municipalities concerned, must participate in the development and implementation of the intergovernmental development plans affecting the district utilising the intergovernmental structures outlined in this Act.

(6) A metropolitan municipality and entities of the metropolitan municipality must participate in the development and implementation intergovernmental development plans within the requirements of this Act.

(7) Participation and alignment of designated private sector and communities and priorities need to be coordinated within the intergovernmental structures outlined in this Act.

(8) An intergovernmental development plan contemplated in this section must be developed as a 10–15-year long-term intergovernmental development plan, providing a strategic framework to guide government and private sector investment within the district and metropolitan space.

(9) All departments across government must review and reprioritise their relevant operational functions, capabilities and budgets towards the implementation of intergovernmental development plans where required.

(10) The review and reprioritization of plans and budgets must be aligned to the regulated national, provincial and local government planning cycle.

(11) The spheres of national, provincial and local government and all organs of state must periodically report on the implementation of the plans in line with the regulated planning cycle.

(12) An intergovernmental development plan does not replace any legally prescribed development and strategic plan or a departmental or entity annual performance plan in operation at any of the three spheres of government.

(13) Intergovernmental development plans may influence the review of existing legally prescribed development and strategic plans or a departmental or entity annual performance plan in operation at any of the three spheres of government.

(14) Intergovernmental development plans may influence more strategic and impact-oriented budgeting and reprioritisation of budgets across the three spheres of government.

(15) The Minister must issue regulations in terms of section 47(1)*(b)* outlining the prescribed framework for the coordination and implementation of intergovernmental development plans.

(16) Any pronouncements at national, provincial and local government sphere must be made within the regulated planning and budgeting frameworks.".

Amendment of section 41 of Act 13 of 2005

18. Section 41 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) An organ of state that is a party to an intergovernmental dispute with another government or organ of state [**may**]must declare the dispute a formal intergovernmental dispute by notifying the other party of such declaration in writing.".

Amendment of section 42 of Act 13 of 2005

19. Section 42 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"Once a formal intergovernmental dispute has been declared, the parties to the dispute must [**promptly]**within 30 days convene a meeting between themselves, or their representatives—

";

(b) by the substitution for subsection (3) of the following subsection:

"(3) If the parties to a dispute fail to convene a meeting in terms of subsection (1) **[the Minister must convene the meeting**] the President must request the Cabinet member responsible for the function to convene the meeting within 30 days after receiving such a notice if—

(a) a national organ of state is involved in the dispute;

(b) the dispute is between different provinces, provincial organs of state, or provincial organs of state from different provinces; or

(c) the dispute is between organs of state from different governments that do not fall under paragraph (a) or (b) of this subsection or subsection (4).";

(c) by the substitution in subsection (4) for the words preceding paragraph *(a)* of the following words:

"If the parties to a dispute in a province fail to convene a meeting in terms of subsection (1) [**the MEC for local government in the province may]** the Premier or a MEC designated by the Premier, must convene the meeting within 30 days after receiving such a notice if the dispute is—

(a) between a provincial organ of state and a local government or a municipal organ of state in the province; or

(b) between local governments or municipal organ of state from different local governments in the province.

(d) by the substitution for subsection (5) of the following subsection:

"(5) If the parties fail to attend a meeting convened by the President **[Minister]** or Cabinet member responsible for the function or Premier or MEC designated by the Premier [**or MEC responsible for the function**] or to designate a facilitator referred to in subsection (1)*(d)*, the President or Cabinet member responsible or the function or Premier or MEC designated by the Premier **[Minister or MEC][may**]must designate a facilitator or team of facilitators on behalf of the parties for the costs of the party as awarded by the facilitator that is in line with the outcomes of the facilitation process.

Amendment of section 43 of Act 13 of 2005

20. Section 43 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A person designated as facilitator must—

(a) assist the parties to settle the dispute in any manner necessary within the requirements of this Act; and

(b) submit to the President, or Cabinet member responsible for the function, or Premier or MEC as designated by the Premier [**or the MEC for local government in the relevant province], [or the MEC responsible for the function in the province**]—

(i) an initial report concerning—

(aa) the nature of the dispute and the precise issues that are in dispute;

(bb) the mechanism or procedure to be used to settle the dispute; and

(cc) any other matter that may be prescribed by regulation in terms of section 47; and

(ii) progress reports containing such information as may be prescribed by regulation in terms of section 47."

Amendment of section 46 in Act 13 of 2005

21. Section 46 of the principal Act is hereby amended by the substitution for the words preceding paragraph *(a)* of the following words:

46. The Minister [**may, from time to time when necessary**]must, at least once in a calendar year, table a report in both Houses of Parliament with regard to

Insertion of section 46A in Act 13 of 2005

22. The following section is hereby inserted in the principal Act after section 46:

"**Reports to Minister**

46A. (1) A Cabinet Member must at least every six months in a calendar year submit a report to the Minister with regard to—

(a) the general conduct of intergovernmental relations in the sector;

(b) the incidence and settlement of intergovernmental disputes; and

(c) any other relevant matters.

(2) A Premier in a province must at least every six months in a calendar year submit a report to the Minister with regard to—

(a) the general conduct of intergovernmental relations in the province;

(b) the incidence and settlement of intergovernmental disputes; and

(c) any other relevant matters.".

Short title and commencement

23. This Act is called the Intergovernmental Relations Framework Amendment Act, 2024, and comes into operation on a date to be determined by the President by proclamation in the *Gazette*.

DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 2856 OF 2024

LABOUR RELATIONS ACT, 1995

NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE INDUSTRY: EXTENSION TO NON-PARTIES OF THE MAIN AMENDING COLLECTIVE AGREEMENT

I, **NOMAKHOSAZANA METH**, Minister of Employment and Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto which was concluded in the **National Bargaining Council for the Hairdressing Cosmetology Beauty and Skincare Industry,** and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 2025.

MS N METH, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 18 November 2024

UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995

UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI EMBONINI YOKULUNGISWA KWEZINWELE, UBUHLE KANYE NOKUNAKEKELWA KWESIKHUMBA: UKWELULWA KWESIVUMELWANO PHAKATHI KWABAQASHI NABASEBENZI ESICHIBIYELAYO NESIYINGQIKITHI SELULELWA KULABO ABANGEYONA INGXENYE YASO

Mina, **NOMAKHOSAZANA METH**, uNgqongqoshe Wezemisebenzi Nezabasebenzi, lapha ngokwesigaba 32(2) soMthetho Wobudlelwano kwezabaSebenzi ka 1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa **uMkhandlu Kazwelonke Wokuxoxisana Kwabaqashi Nabasebenzi Embonini Yokulungiswa Kwezinwele, Ubuhle kanye Nokunakekelwa Kwesikhumba**, futhi ngokwesigaba 31 soMthetho Wobudlelwano kwezabaSebenzi, ka 1995, esibopha labo abasenzayo, sizobopha abanye abaqashi nabasebenzi kuleyomboni kusukela ngoMsombuluko wesibili emva kosuku lokushicilelwa kwalesiSaziso kuze kube isikhathi esiphela mhlaka 31 kuZibandlela 2025.

MS N METH, MP
UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI
USUKU: 18 November 2024

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING, COSMETOLOGY,BEAUTY AND SKINCARE INDUSTRY

MAIN COLLECTIVE AMENDING AGREEMENT

made and entered into in accordance with the provisions of the Labour Relations Act No.66 of 1995, by and between

Employers' Organisation for Hairdressing, Cosmetology and Beauty

(hereinafter referred to as the "Employers' Organisation") on the one part

and

UASA- The Union

(hereinafter referred to as the "Union ") on the other part

being the parties to the National Bargaining Council for the Hairdressing, Cosmetology, Beauty and Skincare Industry

to amend the Consolidated Main Collective Agreement extended to non-parties, published under Government Notice R 4108, Government Gazette No. 49759, dated 24 November 2023.

1. SCOPE OF APPLICATION

1.1 The terms of this Agreement shall be observed in the Hairdressing, Cosmetology, Beauty and Skincare Industry ("*the Industry*") in the Republic of South Africa.

For the purpose hereof

"*Hairdressing, Cosmetology, Beauty and Skincare Industry*" means the trade in which employers and their employees are associated for the purpose of rendering hairdressing and cosmetology services in any establishment;

"*Barber or Barbering Services*" means an employee that renders one or more or all of the following services in an establishment being: Clipper cuts, dry and wet razor shaving, treatment of facial and neck hair including beards and moustaches, hot towel treatments, facial massages, wet and dry cutting of hair, singeing and dry or wet blow drying of hair but specifically excludes any chemical services. The barbering services shall:

DCF

(i) be performed predominantly on male clients;

(ii) constitute at least 95% of all services rendered by an employee to clients;

(iii) can only be rendered when the salon provides barbering services to its clients.

"*Beauty and Skincare Industry*" means the industry in which employers and its employees render "cosmetology services" which include but are not limited to cosmetic camouflage, spa treatments, tattooing, and/or painting of the face or any part of the body features; whether by permanent, semi-permanent or temporary means in any establishments where such services are rendered to members of the public.

"*Cosmetology services*" means any one or more or a combination of the operations generally and usually performed by nail technicians or beauty culturists or cosmeticians or cosmetologists or skincare therapists or somatologists or aesthetician or hairdresser.

"*Establishment*" means any place or premises from which hairdressing, cosmetology, beauty and/or skincare services are rendered but excluding canvas or sail gazebos or if such services are rendered in open space, unless chemicals are used in the execution of the hairdressing, cosmetology, beauty and/or skincare services rendered, in which event all such places or premises shall be considered to be an establishment.

"*Hairdressing*" means any one or more of the following services usually performed by a person in an establishment, and includes, but is not limited to-

(a) any service to the scalp or the hair of the head or face, including the following:

(i) shampooing, cleansing, conditioning and treating;

(ii) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;

(iii) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary processes, including the use of colour rinses, shampoos, gels or mousses; and lightening by means of tints, bleaches, highlights or high lifting tints or toners;

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(iv) hair cutting and shaping;

(v) hair styling, designing, shaping, curling, waving, including blow drying, styling, tonging, crimping, straightening and silking;

Whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;

(a) massage or stimulative treatment of the face, scalp or neck;

(b) adding hair, either natural or artificial, including hair extensions, board work, pastiche, wig making, or performing any of the above operations on any wig or hairpiece to be worn by any person; and

(c) trichology and trichological treatment, including the treatment of abnormalities and disorders of the hair and scalp.

1.2 Notwithstanding the provisions of clause 1.1, the terms of this Agreement shall:

1.2.1 apply only to Employees for whom a Basic Salary or Wage or Commission are specified in this Agreement and to the employers of such Employees; and

1.2.2 apply to Learners/Students only in so far as they are not inconsistent with the provisions of the Skills Development Act, 1998 or any contract entered into or any condition fixed thereunder.

2. PERIOD OF OPERATION

2.1 The Agreement shall come into operation:-

2.1.1 in respect of the renumeration / basic salary / wages and contributions relating to parties, as set forth in Annexure "H" hereto, as from the 1st of June 2023 up until 31 December 2025; and

2.1.2 in all other respects in relation to both parties and non-parties, on such date determined by the Minister of Employment and Labour to be the effective date, on

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which this Agreement shall become binding on parties and non-parties, or the date on which the Minister of Employment and Labour declines to extend this Agreement to non-parties, on which this Agreement shall become binding on parties, and shall remain in force until the 31st of December 2025.

2.1.3 in so far as any provision contained in this Main Collective Amending Agreement is in conflict with the provisions of the National Minimum Wage Act, Act 9 of 2018 ("*NMWA*"), the provisions of the NMWA will prevail.

3. CLAUSE 28: LEARNERSHIP AND STUDENT CONTRACTS

3.1 **Substitute the following for Sub-Clause 28.2.3:**

"28.2.3 in accordance with a learnership contract prescribed by SSETA"

4. ANNEXURE G

4.1 The deletion of Annexure G.

5. ANNEXURE H

5.1 Substitute Annexure H with the attached Annexure H.

6. **ANNEXURE I**

6.1 Substitute Annexure I with the attached Annexure I.

Signed for and on behalf of the parties on (Date)

SIGNED ON THIS 4TH DAY OF SEPTEMBER 2024

Dane Frost - Chairperson
FOR: EOHCB
The Employers' Organisation

DCF

Johan Steyn – Vice Chairperson
FOR: UASA-THE UNION
The Union

L. Brothwell

Lou-Ann Brothwell – General Secretary
NATIONAL BARGAINING COUNCIL

NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE H1"

REMUNERATION / BASIC SALARY / WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 101 - BEING THE PROVINCE OF GAUTENG, EXCLUDING THE MAGISTERIAL DISTRICTS OF ALBERTON, PRETORIA, WONDERBOOM, BRONKHORSPRUIT (KUNGWINI) AND CULLINAN

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R - Changed to NMW less ER Pension Contribution
Total minimum charge *	R -

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	SC Fee ER - 1.3% of Contributing Wage	SC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,895.73	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.64	R 37.64	R 173.74	R 173.74	R 26.27	R 26.27
2004	Barber - Junior	R 3,723.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.40	R 48.40	R 223.39	R 223.39	R 26.27	R 26.27
2006	Barber - Senior	R 6,090.23	R 6,090.23	R 1,405.45	R 31.23	R 158.00	R 79.17	R 79.17	R 365.41	R 365.41	R 30.45	R 30.45
3036	Beauty Technologist - Unqualified	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 5,145.20	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.89	R 66.89	R 308.71	R 308.71	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 5,801.15	R 5,801.15	R 1,338.74	R 29.75	R 158.00	R 75.41	R 75.41	R 348.07	R 348.07	R 29.01	R 29.01
3022	Salon Assistant	R 3,964.95	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.54	R 51.54	R 237.90	R 237.90	R 26.27	R 26.27
4018	Drybar Worker	R 4,506.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 58.59	R 58.59	R 270.41	R 270.41	R 26.27	R 26.27
2010	General Assistant	R 4,163.20	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 54.12	R 54.12	R 249.79	R 249.79	R 26.27	R 26.27
2012	General Assistant after 5 years	R 4,370.98	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 56.82	R 56.82	R 262.26	R 262.26	R 26.27	R 26.27
2014	General Assistant after 10 years	R 4,578.79	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 59.52	R 59.52	R 274.73	R 274.73	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 6,396.85	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 83.16	R 83.16	R 383.81	R 383.81	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 9,128.52	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 118.67	R 118.67	R 547.71	R 547.71	R 26.27	R 26.27
2024	Hairdresser - Qualified - after 5 years	R 9,585.10	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 124.61	R 124.61	R 575.11	R 575.11	R 26.27	R 26.27
2026	Hairdresser - Qualified - after 10 years	R 10,041.67	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 130.54	R 130.54	R 602.50	R 602.50	R 26.27	R 26.27
2046	LEARNER – Entry Level		R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2		R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3		R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 4,204.73	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 54.66	R 54.66	R 252.28	R 252.28	R 39.53	R 39.53
3032	Manager - Beauty	R 9,806.46	R 9,806.46	R 2,263.05	R 50.29	R 158.00	R 127.48	R 127.48	R 588.39	R 588.39	R 49.03	R 49.03
2060	Manager - Hairdresser	R 9,084.72	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 118.10	R 118.10	R 545.08	R 545.08	R 26.27	R 26.27
2062	Manager - Hairdresser after 5 years	R 9,538.18	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 124.00	R 124.00	R 572.29	R 572.29	R 26.27	R 26.27
2064	Manager - Hairdresser after 10 years	R 9,994.75	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 129.93	R 129.93	R 599.69	R 599.69	R 26.27	R 26.27
3030	Manager - only (Beauty Establishment)	R 7,405.73	R 7,405.73	R 1,709.03	R 37.98	R 158.00	R 96.27	R 96.27	R 444.34	R 444.34	R 37.03	R 37.03
2054	Manager - only (Hairdressing)	R 7,776.70	R 7,776.70	R 1,794.64	R 39.88	R 158.00	R 101.10	R 101.10	R 466.60	R 466.60	R 38.88	R 38.88
2056	Manager - only (Hairdressing) after 5 years	R 8,165.08	R 8,165.08	R 1,884.26	R 41.87	R 158.00	R 106.15	R 106.15	R 489.90	R 489.90	R 40.83	R 40.83
2058	Manager - only (Hairdressing) after 10 years	R 8,555.25	R 8,555.25	R 1,974.30	R 43.87	R 158.00	R 111.22	R 111.22	R 513.32	R 513.32	R 42.78	R 42.78
3040	Nail technician - Unqualified	R 3,376.54	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.90	R 43.90	R 202.59	R 202.59	R 26.27	R 26.27
3084	Nail Technician - Certified	R 3,474.88	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.17	R 45.17	R 208.49	R 208.49	R 26.27	R 26.27
3038	Nail technician - Qualified	R 4,054.03	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 52.70	R 52.70	R 243.24	R 243.24	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 3,828.53	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 49.77	R 49.77	R 229.71	R 229.71	R 26.27	R 26.27
3087	Massage Therapist	R 5,637.55	R 5,637.55	R 1,300.98	R 28.91	R 158.00	R 73.29	R 73.29	R 338.25	R 338.25	R 28.19	R 28.19
2067	Operator - Trainee	R 4,427.01	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.55	R 57.55	R 265.62	R 265.62	R 26.27	R 26.27
2068	Operator	R 6,593.79	R 6,593.79	R 1,521.65	R 33.81	R 158.00	R 85.72	R 85.72	R 395.63	R 395.63	R 32.97	R 32.97
2070	Operator - after 5 years	R 6,923.66	R 6,923.66	R 1,597.78	R 35.51	R 158.00	R 90.01	R 90.01	R 415.42	R 415.42	R 34.62	R 34.62
2072	Operator - after 10 years	R 7,253.53	R 7,253.53	R 1,673.90	R 37.20	R 158.00	R 94.30	R 94.30	R 435.21	R 435.21	R 36.27	R 36.27
2074	Operator - Multi skilled	R 7,296.08	R 7,296.08	R 1,683.72	R 37.42	R 158.00	R 94.85	R 94.85	R 437.76	R 437.76	R 36.48	R 36.48
2076	Operator - Multi skilled - after 5 years	R 7,661.42	R 7,661.42	R 1,768.03	R 39.29	R 158.00	R 99.60	R 99.60	R 459.69	R 459.69	R 38.31	R 38.31
2078	Operator - Multi skilled - after 10 years	R 8,024.99	R 8,024.99	R 1,851.93	R 41.15	R 158.00	R 104.32	R 104.32	R 481.50	R 481.50	R 40.12	R 40.12
3042	Receptionist - Beauty Establishment	R 6,684.70	R 6,684.70	R 1,542.64	R 34.28	R 158.00	R 86.90	R 86.90	R 401.08	R 401.08	R 33.42	R 33.42
2082	Receptionist - Hairdressing salon	R 7,223.36	R 7,223.36	R 1,666.94	R 37.04	R 158.00	R 93.90	R 93.90	R 433.40	R 433.40	R 36.12	R 36.12
2084	Receptionist - Hairdressing salon - after 5 years	R 7,585.15	R 7,585.15	R 1,750.43	R 38.90	R 158.00	R 98.61	R 98.61	R 455.11	R 455.11	R 37.93	R 37.93
2086	Receptionist - Hairdressing salon - after 10 years	R 7,945.17	R 7,945.17	R 1,833.52	R 40.74	R 158.00	R 103.29	R 103.29	R 476.71	R 476.71	R 39.73	R 39.73
3048	Somatologist - 3 Years	R 6,090.23	R 6,090.23	R 1,405.45	R 31.23	R 158.00	R 79.17	R 79.17	R 365.41	R 365.41	R 30.45	R 30.45
3052	Somatologist - B Tech - 4 years	R 6,658.66	R 6,658.66	R 1,536.62	R 34.15	R 158.00	R 86.56	R 86.56	R 399.52	R 399.52	R 33.29	R 33.29

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H1"

REMUNERATION / BASIC SALARY / WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 101 - BEING THE PROVINCE OF GAUTENG, EXCLUDING THE MAGISTERIAL DISTRICTS OF ALBERTON, PRETORIA, WONDERBOOM, BRONKHORSPRUIT (KUNGWINI) AND CULLINAN

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R -

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3054	Somatologist - B Tech Laser	R 7,145.88	R 7,145.88	R 1,649.06	R 36.65	R 158.00	R 92.90	R 92.90	R 428.75	R 428.75	R 35.73	R 35.73
1012	Specific Skilled Stylist	R 4,184.86	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 54.40	R 54.40	R 251.09	R 251.09	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 4,394.45	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.13	R 57.13	R 263.67	R 263.67	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 4,604.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 59.85	R 59.85	R 276.25	R 276.25	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 3,071.79	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.93	R 39.93	R 184.31	R 184.31	R 26.27	R 26.27
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 3,225.38	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 41.93	R 41.93	R 193.52	R 193.52	R 26.27	R 26.27
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 3,378.97	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.93	R 43.93	R 202.74	R 202.74	R 26.27	R 26.27
2089	Working Employer (in Salon with Staff)	R 10,353.57	R 10,353.57	R 2,389.30	R 53.10	R -	R -	R -	R -	R -	R 155.30	R -

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION EARNERS	All Stylist will be paid 40% commission **NO STOCK DEDUCTIONS ARE ALLOWED. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE**
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H2"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 102 BEING EAST LONDON, PORT ALFRED, AND ALL OF THE MAGISTERIAL DISTRICTS OF THE EASTERN CAPE PROVINCE (EXCLUDING PORT ELIZABETH, UITENHAGE AND HUMANSDORP).

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	
Total minimum charge *	

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,868.67	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.29	R 37.29	R 172.12	R 172.12	R 26.27	R 26.27
2004	Barber - Junior	R 3,688.29	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.95	R 47.95	R 221.30	R 221.30	R 26.27	R 26.27
2006	Barber - Senior	R 6,033.32	R 6,033.32	R 1,392.31	R 30.94	R 158.00	R 78.43	R 78.43	R 362.00	R 362.00	R 30.17	R 30.17
3036	Beauty Technologist - Unqualified	R 1,775.66	R 5,271.52	R 1,216.51	R 27.03	R 158.00	R 23.08	R 23.08	R 106.54	R 106.54	R 26.36	R 26.36
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 4,327.59	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 56.26	R 56.26	R 259.66	R 259.66	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 4,830.67	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.80	R 62.80	R 289.84	R 289.84	R 26.27	R 26.27
3022	Salon Assistant	R 3,240.51	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 42.13	R 42.13	R 194.43	R 194.43	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 3,340.24	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.42	R 43.42	R 200.41	R 200.41	R 26.27	R 26.27
2012	General Assistant after 5 years	R 3,506.70	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.59	R 45.59	R 210.40	R 210.40	R 26.27	R 26.27
2014	General Assistant after 10 years	R 3,674.97	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.77	R 47.77	R 220.50	R 220.50	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 5,443.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 70.76	R 70.76	R 326.60	R 326.60	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 6,538.42	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 85.00	R 85.00	R 392.31	R 392.31	R 26.27	R 26.27
2024	Hairdresser - Qualified - after 5 years	R 6,865.26	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 89.25	R 89.25	R 411.92	R 411.92	R 26.27	R 26.27
2026	Hairdresser - Qualified - after 10 years	R 7,192.12	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 93.50	R 93.50	R 431.53	R 431.53	R 26.27	R 26.27
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 4,069.21	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 52.90	R 52.90	R 244.15	R 244.15	R 39.53	R 39.53
3032	Manager - Beauty	R 8,019.72	R 8,019.72	R 1,850.72	R 41.13	R 158.00	R 104.26	R 104.26	R 481.18	R 481.18	R 40.10	R 40.10
2060	Manager - Hairdresser	R 6,637.56	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 86.29	R 86.29	R 398.25	R 398.25	R 26.27	R 26.27
2062	Manager - Hairdresser after 5 years	R 6,969.05	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 90.60	R 90.60	R 418.14	R 418.14	R 26.27	R 26.27
2064	Manager - Hairdresser after 10 years	R 7,300.55	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 94.91	R 94.91	R 438.03	R 438.03	R 26.27	R 26.27
3030	Manager - only (Beauty Establishment)	R 6,052.62	R 6,052.62	R 1,396.77	R 31.04	R 158.00	R 78.68	R 78.68	R 363.16	R 363.16	R 30.26	R 30.26
2054	Manager - only (Hairdressing)	R 5,146.39	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.90	R 66.90	R 308.78	R 308.78	R 26.27	R 26.27
2056	Manager - only (Hairdressing) after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2058	Manager - only (Hairdressing) after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3040	Nail technician - Unqualified	R 2,759.60	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.87	R 35.87	R 165.58	R 165.58	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,839.99	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 36.92	R 36.92	R 170.40	R 170.40	R 26.27	R 26.27
3038	Nail technician - Qualified	R 3,313.32	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.07	R 43.07	R 198.80	R 198.80	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H2"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 102 BEING EAST LONDON, PORT ALFRED, AND ALL OF THE MAGISTERIAL DISTRICTS OF THE EASTERN CAPE PROVINCE (EXCLUDING PORT ELIZABETH, UITENHAGE AND HUMANSDORP).

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	
Total minimum charge *	

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2067	Operator - Trainee	R 3,041.31	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.54	R 39.54	R 182.48	R 182.48	R 26.27	R 26.27
2068	Operator	R 3,730.47	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.50	R 48.50	R 223.83	R 223.83	R 26.27	R 26.27
2070	Operator - after 5 years	R 3,916.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 50.92	R 50.92	R 235.00	R 235.00	R 26.27	R 26.27
2072	Operator - after 10 years	R 4,104.59	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 53.36	R 53.36	R 246.28	R 246.28	R 26.27	R 26.27
2074	Operator - Multi skilled	R 4,559.25	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 59.27	R 59.27	R 273.56	R 273.56	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 4,786.59	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.23	R 62.23	R 287.20	R 287.20	R 26.27	R 26.27
2078	Operator - Multi skilled - after 10 years	R 5,015.72	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.20	R 65.20	R 300.94	R 300.94	R 26.27	R 26.27
3042	Receptionist - Beauty Establishment	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2080	Receptionist- First year of experience	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 6,656.91	R 6,656.91	R 1,536.22	R 34.14	R 158.00	R 86.54	R 86.54	R 399.41	R 399.41	R 33.28	R 33.28
2084	Receptionist - Hairdressing salon - after 5 years	R 6,988.97	R 6,988.97	R 1,612.85	R 35.84	R 158.00	R 90.86	R 90.86	R 419.34	R 419.34	R 34.94	R 34.94
2086	Receptionist - Hairdressing salon - after 10 years	R 7,324.52	R 7,324.52	R 1,690.29	R 37.56	R 158.00	R 95.22	R 95.22	R 439.47	R 439.47	R 36.62	R 36.62
3048	Somatologist 3 Years	R 5,071.40	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.93	R 65.93	R 304.28	R 304.28	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 5,840.25	R 5,840.25	R 1,347.76	R 29.95	R 158.00	R 75.92	R 75.92	R 350.42	R 350.42	R 29.20	R 29.20
1012	Specific Skilled Stylist	R 2,957.15	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 38.44	R 38.44	R 177.43	R 177.43	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 3,105.75	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 40.37	R 40.37	R 186.34	R 186.34	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 3,252.51	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 42.28	R 42.28	R 195.15	R 195.15	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,927.87	R 5,262.39	R 1,214.41	R 26.99	R 158.00	R 25.06	R 25.06	R 115.67	R 115.67	R 26.31	R 26.31
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 2,024.54	R 5,256.59	R 1,213.07	R 26.96	R 158.00	R 26.32	R 26.32	R 121.47	R 121.47	R 26.28	R 26.28
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 2,121.21	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 27.58	R 27.58	R 127.27	R 127.27	R 26.27	R 26.27
2089	Working Employer (in Salon with Staff)	R 7,415.87	R 7,415.87	R 1,711.37	R 38.03	R -	R -	R -	R -	R -	R 111.24	R -

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H2"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 102 BEING EAST LONDON, PORT ALFRED, AND ALL OF THE MAGISTERIAL DISTRICTS OF THE EASTERN CAPE PROVINCE (EXCLUDING PORT ELIZABETH, UITENHAGE AND HUMANSDORP).

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	
Total minimum charge *	

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION EARNERS	All Stylist will be paid 30% commission **NO STOCK DEDUCTIONS ARE ALLOWED. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE**
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H3"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 103 BEING KIMBERLEY AND ALL OF THE OTHER MAGISTERIAL DISTRICTS OF THE NORTHERN CAPE.

	EOHCB Subscriptions	See Annexure C												
	Bargaining Levy	See Annexure C												
	Basic establishment charge *	R -												
	Total minimum charge *	R -	Changed to NMW less ER Pension Contribution											
Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,868.67	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.29	R 37.29	R 172.12	R 172.12	R 26.27	R 26.27
2004	Barber - Junior	R 3,688.29	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.95	R 47.95	R 221.30	R 221.30	R 26.27	R 26.27
2006	Barber - Senior	R 6,033.32	R 6,033.32	R 1,392.31	R 30.94	R 158.00	R 78.43	R 78.43	R 362.00	R 362.00	R 30.17	R 30.17
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3036	Beauty Technologist - Unqualified	R 1,442.05	R 5,291.54	R 1,221.13	R 27.14	R 158.00	R 18.75	R 18.75	R 86.52	R 86.52	R 26.46	R 26.46
3020	Beauty and Skincare Therapist - Unqualified	R 3,514.53	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.69	R 45.69	R 210.87	R 210.87	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 3,923.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.00	R 51.00	R 235.39	R 235.39	R 26.27	R 26.27
3022	Salon Assistant	R 2,631.70	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.21	R 34.21	R 157.90	R 157.90	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 1,792.05	R 5,270.54	R 1,216.29	R 27.03	R 158.00	R 23.30	R 23.30	R 107.52	R 107.52	R 26.35	R 26.35
2012	General Assistant after 5 years	R 1,878.53	R 5,265.35	R 1,215.09	R 27.00	R 158.00	R 24.42	R 24.42	R 112.71	R 112.71	R 26.33	R 26.33
2014	General Assistant after 10 years	R 1,933.26	R 5,262.06	R 1,214.33	R 26.99	R 158.00	R 25.13	R 25.13	R 116.00	R 116.00	R 26.31	R 26.31
2020	Hairdresser - 1st year after qualified	R 3,623.06	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.10	R 47.10	R 217.38	R 217.38	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 4,281.79	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 55.66	R 55.66	R 256.91	R 256.91	R 26.27	R 26.27
2024	Hairdresser - Qualified - after 5 years	R 4,496.61	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 58.46	R 58.46	R 269.80	R 269.80	R 26.27	R 26.27
2026	Hairdresser - Qualified - after 10 years	R 4,711.42	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 61.25	R 61.25	R 282.68	R 282.68	R 26.27	R 26.27
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 3,003.12	R 7,913.25	R 1,826.15	R 40.58	R 158.00	R 39.04	R 39.04	R 180.19	R 180.19	R 39.57	R 39.57
3032	Manager - Beauty	R 6,512.99	R 6,512.99	R 1,503.01	R 33.40	R 158.00	R 84.67	R 84.67	R 390.78	R 390.78	R 32.56	R 32.56
2060	Manager - Hairdresser	R 5,909.53	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 76.82	R 76.82	R 354.57	R 354.57	R 26.27	R 26.27
2062	Manager - Hairdresser after 5 years	R 6,203.84	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 80.65	R 80.65	R 372.23	R 372.23	R 26.27	R 26.27
2064	Manager - Hairdresser after 10 years	R 6,501.25	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 84.52	R 84.52	R 390.08	R 390.08	R 26.27	R 26.27
3030	Manager - only (Beauty Establishment)	R 5,008.20	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.11	R 65.11	R 300.49	R 300.49	R 26.27	R 26.27
2054	Manager - only (Hairdressing)	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2056	Manager - only (Hairdressing) after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2058	Manager - only (Hairdressing) after 10 years	R 5,706.43	R 5,706.43	R 1,316.88	R 29.26	R 158.00	R 74.18	R 74.18	R 342.39	R 342.39	R 28.53	R 28.53
3040	Nail technician - Unqualified	R 2,241.13	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 29.13	R 29.13	R 134.47	R 134.47	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,306.41	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 29.98	R 29.98	R 138.38	R 138.38	R 26.27	R 26.27
3038	Nail technician - Qualified	R 2,690.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.98	R 34.98	R 161.45	R 161.45	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H3"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 103 BEING KIMBERLEY AND ALL OF THE OTHER MAGISTERIAL DISTRICTS OF THE NORTHERN CAPE.

	EOHCB Subscriptions	See Annexure C											
	Bargaining Levy	See Annexure C											
	Basic establishment charge *	R -											
	Total minimum charge *	R -	Changed to NMW less ER Pension Contribution										

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2067	Operator - Trainee	R 2,254.24	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 29.31	R 29.31	R 135.25	R 135.25	R 26.27	R 26.27
2068	Operator	R 3,036.67	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.48	R 39.48	R 182.20	R 182.20	R 26.27	R 26.27
2070	Operator - after 5 years	R 3,189.87	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 41.47	R 41.47	R 191.39	R 191.39	R 26.27	R 26.27
2072	Operator - after 10 years	R 3,341.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.44	R 43.44	R 200.47	R 200.47	R 26.27	R 26.27
2074	Operator - Multi skilled	R 3,758.91	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.87	R 48.87	R 225.53	R 225.53	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 3,944.94	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.28	R 51.28	R 236.70	R 236.70	R 26.27	R 26.27
2078	Operator - Multi skilled - after 10 years	R 4,132.79	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 53.73	R 53.73	R 247.97	R 247.97	R 26.27	R 26.27
3042	Receptionist - Beauty Establishment	R 4,520.60	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 58.77	R 58.77	R 271.24	R 271.24	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 3,791.33	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 49.29	R 49.29	R 227.48	R 227.48	R 26.27	R 26.27
2084	Receptionist - Hairdressing salon - after 5 years	R 3,981.08	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.75	R 51.75	R 238.86	R 238.86	R 26.27	R 26.27
2086	Receptionist - Hairdressing salon - after 10 years	R 4,170.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 54.22	R 54.22	R 250.25	R 250.25	R 26.27	R 26.27
3048	Somatologist 3 Years	R 4,118.60	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 53.54	R 53.54	R 247.12	R 247.12	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 4,503.00	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 58.54	R 58.54	R 270.18	R 270.18	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 4,832.48	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.82	R 62.82	R 289.95	R 289.95	R 26.27	R 26.27
1012	Specific Skilled Stylist	R 2,515.03	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.70	R 32.70	R 150.90	R 150.90	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 2,640.32	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.32	R 34.32	R 158.42	R 158.42	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 2,765.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.95	R 35.95	R 165.94	R 165.94	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,537.66	R 5,285.80	R 1,219.81	R 27.11	R 158.00	R 19.99	R 19.99	R 92.26	R 92.26	R 26.43	R 26.43
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 1,689.81	R 5,276.67	R 1,217.70	R 27.06	R 158.00	R 21.97	R 21.97	R 101.39	R 101.39	R 26.38	R 26.38
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 1,614.61	R 5,281.18	R 1,218.74	R 27.08	R 158.00	R 20.99	R 20.99	R 96.88	R 96.88	R 26.41	R 26.41
2089	Working Employer (in Salon with Staff)	R 4,281.79	R 5,378.06	R 1,241.10	R 27.58	R 158.00			R -	R -	R 80.67	R -

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H3"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 103 BEING KIMBERLEY AND ALL OF THE OTHER MAGISTERIAL DISTRICTS OF THE NORTHERN CAPE.

	EOHCB Subscriptions	See Annexure C											
	Bargaining Levy	See Annexure C											
	Basic establishment charge *	R -											
	Total minimum charge *	R -	Changed to NMW less ER Pension Contribution										
Work Code	Work Code Description	2024 Salary - Contribution Wage Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **DAILY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION EARNERS	Qualified Hairdressers / Stylists, which are employees and employed on or after 2010, whom will receive a minimum of 30% commission. Qualified Hairdressers / Stylists, which are employees and employed prior to 2010, whom will receive a minimum 30% Commission **NO STOCK DEDUCTIONS ARE ALLOWED. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE**
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H4"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 104 BEING PORT ELIZABETH, UITENHAGE AND HUMANSDORP.

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	
Total minimum charge *	

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,868.67	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.29	R 37.29	R 172.12	R 172.12	R 26.27	R 26.27
2004	Barber - Junior	R 3,688.29	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.95	R 47.95	R 221.30	R 221.30	R 26.27	R 26.27
2006	Barber - Senior	R 6,033.32	R 6,033.32	R 1,392.31	R 30.94	R 158.00	R 78.43	R 78.43	R 362.00	R 362.00	R 30.17	R 30.17
3036	Beauty Technologist - Unqualified	R 1,831.61	R 5,268.16	R 1,215.74	R 27.02	R 158.00	R 23.81	R 23.81	R 109.90	R 109.90	R 26.34	R 26.34
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 3,953.65	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.40	R 51.40	R 237.22	R 237.22	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 4,982.92	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 64.78	R 64.78	R 298.98	R 298.98	R 26.27	R 26.27
3022	Salon Assistant	R 3,342.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.45	R 43.45	R 200.56	R 200.56	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 3,549.68	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 46.15	R 46.15	R 212.98	R 212.98	R 26.27	R 26.27
2012	General Assistant after 5 years	R 3,726.88	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.45	R 48.45	R 223.61	R 223.61	R 26.27	R 26.27
2014	General Assistant after 10 years	R 3,905.87	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 50.78	R 50.78	R 234.35	R 234.35	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 5,283.72	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.69	R 68.69	R 317.02	R 317.02	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 5,999.37	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 77.99	R 77.99	R 359.96	R 359.96	R 26.27	R 26.27
2024	Hairdresser - Qualified - after 5 years	R 6,299.87	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 81.90	R 81.90	R 377.99	R 377.99	R 26.27	R 26.27
2026	Hairdresser - Qualified - after 10 years	R 6,599.80	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 85.80	R 85.80	R 395.99	R 395.99	R 26.27	R 26.27
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 4,108.97	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 53.42	R 53.42	R 246.54	R 246.54	R 39.53	R 39.53
3032	Manager - Beauty	R 8,272.45	R 8,272.45	R 1,909.04	R 42.42	R 158.00	R 107.54	R 107.54	R 496.35	R 496.35	R 41.36	R 41.36
2060	Manager - Hairdresser	R 6,803.30	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 88.44	R 88.44	R 408.20	R 408.20	R 26.27	R 26.27
2062	Manager - Hairdresser after 5 years	R 7,144.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 92.87	R 92.87	R 428.65	R 428.65	R 26.27	R 26.27
2064	Manager - Hairdresser after 10 years	R 7,483.33	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 97.28	R 97.28	R 449.00	R 449.00	R 26.27	R 26.27
3030	Manager - only (Beauty Establishment)	R 6,243.36	R 6,243.36	R 1,440.79	R 32.02	R 158.00	R 81.16	R 81.16	R 374.60	R 374.60	R 31.22	R 31.22
2054	Manager - only (Hairdressing)	R 6,356.47	R 6,356.47	R 1,466.89	R 32.60	R 158.00	R 82.63	R 82.63	R 381.39	R 381.39	R 31.78	R 31.78
2056	Manager - only (Hairdressing) after 5 years	R 6,674.48	R 6,674.48	R 1,540.28	R 34.23	R 158.00	R 86.77	R 86.77	R 400.47	R 400.47	R 33.37	R 33.37
2058	Manager - only (Hairdressing) after 10 years	R 6,992.48	R 6,992.48	R 1,613.66	R 35.86	R 158.00	R 90.90	R 90.90	R 419.55	R 419.55	R 34.96	R 34.96
3040	Nail technician - Unqualified	R 2,846.58	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.01	R 37.01	R 170.80	R 170.80	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,929.49	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 38.08	R 38.08	R 175.77	R 175.77	R 26.27	R 26.27
3038	Nail technician - Qualified	R 3,417.72	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 44.43	R 44.43	R 205.06	R 205.06	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27

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REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 104 BEING PORT ELIZABETH, UITENHAGE AND HUMANSDORP.

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	
Total minimum charge *	

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2067	Operator - Trainee	R 3,257.90	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 42.35	R 42.35	R 195.47	R 195.47	R 26.27	R 26.27
2068	Operator	R 4,142.18	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 53.85	R 53.85	R 248.53	R 248.53	R 26.27	R 26.27
2070	Operator - after 5 years	R 4,349.84	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 56.55	R 56.55	R 260.99	R 260.99	R 26.27	R 26.27
2072	Operator - after 10 years	R 4,555.68	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 59.22	R 59.22	R 273.34	R 273.34	R 26.27	R 26.27
2074	Operator - Multi skilled	R 4,786.59	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.23	R 62.23	R 287.20	R 287.20	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 5,026.47	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.34	R 65.34	R 301.59	R 301.59	R 26.27	R 26.27
2078	Operator - Multi skilled - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3042	Receptionist - Beauty Establishment	R 5,635.52	R 5,635.52	R 1,300.51	R 28.90	R 158.00	R 73.26	R 73.26	R 338.13	R 338.13	R 28.18	R 28.18
2080	Receptionist - First year of experience	R 5,182.19	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 67.37	R 67.37	R 310.93	R 310.93	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 6,157.95	R 6,157.95	R 1,421.08	R 31.58	R 158.00	R 80.05	R 80.05	R 369.48	R 369.48	R 30.79	R 30.79
2084	Receptionist - Hairdressing salon - after 5 years	R 6,465.39	R 6,465.39	R 1,492.03	R 33.16	R 158.00	R 84.05	R 84.05	R 387.92	R 387.92	R 32.33	R 32.33
2086	Receptionist - Hairdressing salon - after 10 years	R 6,774.61	R 6,774.61	R 1,563.38	R 34.74	R 158.00	R 88.07	R 88.07	R 406.48	R 406.48	R 33.87	R 33.87
3048	Somatologist 3 Years	R 5,231.21	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.01	R 68.01	R 313.87	R 313.87	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 6,024.30	R 6,024.30	R 1,390.23	R 30.89	R 158.00	R 78.32	R 78.32	R 361.46	R 361.46	R 30.12	R 30.12
1012	Specific Skilled Stylist	R 3,016.24	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.21	R 39.21	R 180.97	R 180.97	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 3,166.61	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 41.17	R 41.17	R 190.00	R 190.00	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 3,318.75	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.14	R 43.14	R 199.12	R 199.12	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,965.48	R 5,260.13	R 1,213.89	R 26.98	R 158.00	R 25.55	R 25.55	R 117.93	R 117.93	R 26.30	R 26.30
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 2,063.93	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 26.83	R 26.83	R 123.84	R 123.84	R 26.27	R 26.27
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 2,162.39	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 28.11	R 28.11	R 129.74	R 129.74	R 26.27	R 26.27
2089	Working Employer (in Salon with Staff)	R 6,804.48	R 6,804.48	R 1,570.28	R 34.90				R -	R -	R 102.07	R -

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H4"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 104 BEING PORT ELIZABETH, UITENHAGE AND HUMANSDORP.

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	
Total minimum charge *	

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION EARNERS	All Stylist will be paid 30% commission **NO STOCK DEDUCTIONS ARE ALLOWED. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE**
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H5"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 105 BEING THE MAGISTERIAL DISTRICT OF ALBERTON

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R -

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,895.73	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.64	R 37.64	R 173.74	R 173.74	R 26.27	R 26.27
2004	Barber - Junior	R 3,723.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.40	R 48.40	R 223.39	R 223.39	R 26.27	R 26.27
2006	Barber - Senior	R 6,090.23	R 6,090.23	R 1,405.45	R 31.23	R 158.00	R 79.17	R 79.17	R 365.41	R 365.41	R 30.45	R 30.45
3036	Beauty Technologist - Unqualified	R 2,172.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 28.24	R 28.24	R 130.36	R 130.36	R 26.27	R 26.27
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 5,145.20	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.89	R 66.89	R 308.71	R 308.71	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 5,801.15	R 5,801.15	R 1,338.74	R 29.75	R 158.00	R 75.41	R 75.41	R 348.07	R 348.07	R 29.01	R 29.01
3022	Salon Assistant	R 3,964.95	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.54	R 51.54	R 237.90	R 237.90	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 2,429.98	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 31.59	R 31.59	R 145.80	R 145.80	R 26.27	R 26.27
2012	General Assistant after 5 years	R 2,552.22	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.18	R 33.18	R 153.13	R 153.13	R 26.27	R 26.27
2014	General Assistant after 10 years	R 2,674.46	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.77	R 34.77	R 160.47	R 160.47	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 4,903.75	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.75	R 63.75	R 294.23	R 294.23	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 5,662.70	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 73.62	R 73.62	R 339.76	R 339.76	R 26.27	R 26.27
2024	Hairdresser - Qualified - after 5 years	R 5,945.28	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 77.29	R 77.29	R 356.72	R 356.72	R 26.27	R 26.27
2026	Hairdresser - Qualified - after 10 years	R 6,227.85	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 80.96	R 80.96	R 373.67	R 373.67	R 26.27	R 26.27
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 3,916.82	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 50.92	R 50.92	R 235.01	R 235.01	R 39.53	R 39.53
3032	Manager - Beauty	R 9,812.58	R 9,812.58	R 2,264.46	R 50.32	R 158.00	R 127.56	R 127.56	R 588.76	R 588.76	R 49.06	R 49.06
2060	Manager - Hairdresser	R 7,366.10	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 95.76	R 95.76	R 441.97	R 441.97	R 26.27	R 26.27
2062	Manager - Hairdresser after 5 years	R 7,733.91	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 100.54	R 100.54	R 464.03	R 464.03	R 26.27	R 26.27
2064	Manager - Hairdresser after 10 years	R 8,101.74	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 105.32	R 105.32	R 486.10	R 486.10	R 26.27	R 26.27
3030	Manager - only (Beauty Establishment)	R 7,405.73	R 7,405.73	R 1,709.03	R 37.98	R 158.00	R 96.27	R 96.27	R 444.34	R 444.34	R 37.03	R 37.03
2054	Manager - only (Hairdressing)	R 6,762.83	R 6,762.83	R 1,560.66	R 34.68	R 158.00	R 87.92	R 87.92	R 405.77	R 405.77	R 33.81	R 33.81
2056	Manager - only (Hairdressing) after 5 years	R 7,031.83	R 7,031.83	R 1,622.74	R 36.06	R 158.00	R 91.41	R 91.41	R 421.91	R 421.91	R 35.16	R 35.16
2058	Manager - only (Hairdressing) after 10 years	R 7,367.02	R 7,367.02	R 1,700.10	R 37.78	R 158.00	R 95.77	R 95.77	R 442.02	R 442.02	R 36.84	R 36.84
3040	Nail technician - Unqualified	R 3,376.54	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.90	R 43.90	R 202.59	R 202.59	R 26.27	R 26.27
3084	Nail Technician - Certified	R 3,474.88	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.17	R 45.17	R 208.49	R 208.49	R 26.27	R 26.27
3038	Nail technician - Qualified	R 4,054.03	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 52.70	R 52.70	R 243.24	R 243.24	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 3,828.53	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 49.77	R 49.77	R 229.71	R 229.71	R 26.27	R 26.27
3087	Massage Therapist	R 5,268.74	R 5,268.74	R 1,215.87	R 27.02	R 158.00	R 68.49	R 68.49	R 316.12	R 316.12	R 26.34	R 26.34
2067	Operator - Trainee	R 2,309.59	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 30.02	R 30.02	R 138.58	R 138.58	R 26.27	R 26.27
2068	Operator	R 4,564.44	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 59.34	R 59.34	R 273.87	R 273.87	R 26.27	R 26.27
2070	Operator - after 5 years	R 4,792.47	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.30	R 62.30	R 287.55	R 287.55	R 26.27	R 26.27
2072	Operator - after 10 years	R 5,020.50	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.27	R 65.27	R 301.23	R 301.23	R 26.27	R 26.27
2074	Operator - Multi skilled	R 5,186.52	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 67.42	R 67.42	R 311.19	R 311.19	R 26.27	R 26.27

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H5"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 105 BEING THE MAGISTERIAL DISTRICT OF ALBERTON

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R -

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2076	Operator - Multi skilled - after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2078	Operator - Multi skilled - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3042	Receptionist - Beauty Establishment	R 6,610.26	R 6,610.26	R 1,525.46	R 33.90	R 158.00	R 85.93	R 85.93	R 396.62	R 396.62	R 33.05	R 33.05
2082	Receptionist - Hairdressing salon	R 4,681.20	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 60.86	R 60.86	R 280.87	R 280.87	R 26.27	R 26.27
2086	Receptionist - Hairdressing salon - after 10 years	R 5,150.04	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.95	R 66.95	R 309.00	R 309.00	R 26.27	R 26.27
2084	Receptionist - Hairdressing salon - after 5 years	R 4,914.71	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.89	R 63.89	R 294.88	R 294.88	R 26.27	R 26.27
3048	Somatologist 3 Years	R 6,090.23	R 6,090.23	R 1,405.45	R 31.23	R 158.00	R 79.17	R 79.17	R 365.41	R 365.41	R 30.45	R 30.45
3052	Somatologist B Tech - 4 years	R 6,658.66	R 6,658.66	R 1,536.62	R 34.15	R 158.00	R 86.56	R 86.56	R 399.52	R 399.52	R 33.29	R 33.29
3054	Somatologist - B Tech Laser	R 7,145.88	R 7,145.88	R 1,649.06	R 36.65	R 158.00	R 92.90	R 92.90	R 428.75	R 428.75	R 35.73	R 35.73
1012	Specific Skilled Stylist	R 2,933.49	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 38.14	R 38.14	R 176.01	R 176.01	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 3,081.26	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 40.06	R 40.06	R 184.88	R 184.88	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 3,227.21	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 41.95	R 41.95	R 193.63	R 193.63	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,902.75	R 5,263.89	R 1,214.75	R 26.99	R 158.00	R 24.74	R 24.74	R 114.16	R 114.16	R 26.32	R 26.32
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 2,092.49	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 27.20	R 27.20	R 125.55	R 125.55	R 26.27	R 26.27
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 1,997.62	R 5,258.20	R 1,213.44	R 26.97	R 158.00	R 25.97	R 25.97	R 119.86	R 119.86	R 26.29	R 26.29
2089	Working Employer (in Salon with Staff)	R 6,422.64	R 6,422.64	R 1,482.16	R 32.94						R 96.34	

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H5"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 105 BEING THE MAGISTERIAL DISTRICT OF ALBERTON

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R -

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION EARNERS	All Stylist will be paid 40% commission **NO STOCK DEDUCTIONS ARE ALLOWED. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE**
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H6"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE FOR DIVISION 106 BEING THE MAGISTERIAL DISTRICTS OF CAPE TOWN, WYNBERG, SIMONSTAD AND BELVILLE

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage	SBF Employer - No New Members from 01/01/2021	SBF Employee - No New Members from 01/01/2021
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46	R 150.00	R 150.00
2000	Barber - starting 1 month	R 3,474.88	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.17	R 45.17	R 208.49	R 208.49	R 26.27	R 26.27	R 150.00	R 150.00
2002	Barber - Trainee	R 3,805.82	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 49.48	R 49.48	R 228.35	R 228.35	R 26.27	R 26.27	R 190.00	R 190.00
2004	Barber - Junior	R 4,467.70	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 58.08	R 58.08	R 268.06	R 268.06	R 26.27	R 26.27	R 190.00	R 190.00
2006	Barber - Senior	R 6,009.03	R 6,009.03	R 1,386.71	R 30.82	R 158.00	R 78.12	R 78.12	R 360.54	R 360.54	R 30.05	R 30.05	R 252.00	R 252.00
3036	Beauty Technologist - Unqualified	R 3,127.17	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 40.65	R 40.65	R 187.63	R 187.63	R 26.27	R 26.27		
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27		
3020	Beauty and Skincare Therapist - Unqualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27		
3014	Beauty and Skincare Therapist	R 7,719.47	R 7,719.47	R 1,781.43	R 39.59	R 158.00	R 100.35	R 100.35	R 463.17	R 463.17	R 38.60	R 38.60		
3022	Salon Assistant	R 4,159.42	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 54.07	R 54.07	R 249.57	R 249.57	R 26.27	R 26.27		
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27		
2010	General Assistant	R 4,257.55	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 55.35	R 55.35	R 255.45	R 255.45	R 26.27	R 26.27	R 150.00	R 150.00
2018	Hairdresser - No trade test	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27	R 190.00	R 190.00
2020	Hairdresser - 1st year after qualified	R 5,983.04	R 5,983.04	R 1,380.71	R 30.68	R 158.00	R 77.78	R 77.78	R 358.98	R 358.98	R 29.92	R 29.92	R 252.00	R 252.00
2022	Hairdresser - Qualified	R 8,505.21	R 8,505.21	R 1,962.76	R 43.62	R 158.00	R 110.57	R 110.57	R 510.31	R 510.31	R 42.53	R 42.53	R 252.00	R 252.00
2028	Hairdressing Assistant - Entrance (special needs)	R 3,491.43	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.39	R 45.39	R 209.49	R 209.49	R 26.27	R 26.27	R 190.00	R 190.00
2030	Hairdressing Assistant - Skilled (special needs)	R 3,939.85	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.22	R 51.22	R 236.39	R 236.39	R 26.27	R 26.27	R 190.00	R 190.00
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99	R 150.00	R 150.00
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99	R 150.00	R 150.00
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73	R 150.00	R 150.00
2052	LEARNER – Level 4	R 4,259.38	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 55.37	R 55.37	R 255.56	R 255.56	R 39.53	R 39.53	R 150.00	R 150.00
3028	Make-up Artist Trainee	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27		
3026	Make-up Artist	R 7,520.88	R 7,520.88	R 1,735.60	R 38.57	R 158.00	R 97.77	R 97.77	R 451.25	R 451.25	R 37.60	R 37.60		
3032	Manager - Beauty	R 11,991.73	R 11,991.73	R 2,767.34	R 61.50	R 158.00	R 155.89	R 155.89	R 719.50	R 719.50	R 59.96	R 59.96	R 150.00	R 150.00
2060	Manager - Hairdresser	R 10,129.27	R 10,129.27	R 2,337.54	R 51.95	R 158.00	R 131.68	R 131.68	R 607.76	R 607.76	R 50.65	R 50.65	R 252.00	R 252.00
2054	Manager - only (Hairdressing)	R 8,566.93	R 8,566.93	R 1,977.00	R 43.93	R 158.00	R 111.37	R 111.37	R 514.02	R 514.02	R 42.83	R 42.83	R 252.00	R 252.00
3088	Massage Therapist - entry level	R 3,828.53	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 49.77	R 49.77	R 229.71	R 229.71	R 26.27	R 26.27		
3087	Massage Therapist	R 5,268.74	R 5,268.74	R 1,215.87	R 27.02	R 158.00	R 68.49	R 68.49	R 316.12	R 316.12	R 26.34	R 26.34		
3040	Nail technician - Unqualified	R 4,709.46	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 61.22	R 61.22	R 282.57	R 282.57	R 26.27	R 26.27		
3084	Nail Technician - Certified	R 4,850.75	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.06	R 63.06	R 291.04	R 291.04	R 26.27	R 26.27		
3038	Nail technician - Qualified	R 7,520.88	R 7,520.88	R 1,735.60	R 38.57	R 158.00	R 97.77	R 97.77	R 451.25	R 451.25	R 37.60	R 37.60		
2068	Operator	R 5,797.90	R 5,797.90	R 1,337.99	R 29.73	R 158.00	R 75.37	R 75.37	R 347.87	R 347.87	R 28.99	R 28.99	R 190.00	R 190.00
3042	Receptionist - Beauty Establishment	R 7,450.84	R 7,450.84	R 1,719.44	R 38.21	R 158.00	R 96.86	R 96.86	R 447.05	R 447.05	R 37.25	R 37.25		
2080	Receptionist - (Hairdressing) First year of experience	R 5,238.80	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.10	R 68.10	R 314.33	R 314.33	R 26.27	R 26.27	R 150.00	R 150.00
2082	Receptionist - Hairdressing salon	R 6,752.85	R 6,752.85	R 1,558.36	R 34.63	R 158.00	R 87.79	R 87.79	R 405.17	R 405.17	R 33.76	R 33.76	R 190.00	R 190.00
3048	Somatologist 3 Years	R 8,919.91	R 8,919.91	R 2,058.46	R 45.74	R 158.00	R 115.96	R 115.96	R 535.19	R 535.19	R 44.60	R 44.60		
3052	Somatologist B Tech - 4 years	R 9,810.90	R 9,810.90	R 2,264.07	R 50.31	R 158.00	R 127.54	R 127.54	R 588.65	R 588.65	R 49.05	R 49.05		
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,703.96	R 5,275.82	R 1,217.51	R 27.06	R 158.00	R 22.15	R 22.15	R 102.24	R 102.24	R 26.38	R 26.38		
2089	Working Employer (in Salon with Staff)	R 8,505.21	R 8,505.21	R 1,962.76	R 43.62						R 127.58		R 252.00	R 252.00

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H6"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE FOR DIVISION 106 BEING THE MAGISTERIAL DISTRICTS OF CAPE TOWN, WYNBERG, SIMONSTAD AND BELVILLE

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage	SBF Employer - No New Members from 01/01/2021	SBF Employee - No New Members from 01/01/2021

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
SICK BENEFIT FUND CONTRIBUTIONS	

EMPLOYEE CATEGORY	SCHEME "C"
ADULT DEPENDANT (each)	R 190.00
CHILD DEPENDANT (each)	R 90.00

ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H7"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 107 BEING THE PROVINCE OF THE FREE STATE.

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R -

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,868.67	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.29	R 37.29	R 172.12	R 172.12	R 26.27	R 26.27
2004	Barber - Junior	R 3,688.29	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.95	R 47.95	R 221.30	R 221.30	R 26.27	R 26.27
2006	Barber - Senior	R 6,033.32	R 6,033.32	R 1,392.31	R 30.94	R 158.00	R 78.43	R 78.43	R 362.00	R 362.00	R 30.17	R 30.17
3036	Beauty Technologist - Unqualified	R 1,399.02	R 5,294.12	R 1,221.73	R 27.15	R 158.00	R 18.19	R 18.19	R 83.94	R 83.94	R 26.47	R 26.47
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 3,409.62	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 44.33	R 44.33	R 204.58	R 204.58	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 3,806.00	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 49.48	R 49.48	R 228.36	R 228.36	R 26.27	R 26.27
3022	Salon Assistant	R 2,553.12	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.19	R 33.19	R 153.19	R 153.19	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 1,843.88	R 5,267.43	R 1,215.57	R 27.01	R 158.00	R 23.97	R 23.97	R 110.63	R 110.63	R 26.34	R 26.34
2012	General Assistant after 5 years	R 1,936.90	R 5,261.84	R 1,214.28	R 26.98	R 158.00	R 25.18	R 25.18	R 116.21	R 116.21	R 26.31	R 26.31
2014	General Assistant after 10 years	R 1,990.53	R 5,258.63	R 1,213.54	R 26.97	R 158.00	R 25.88	R 25.88	R 119.43	R 119.43	R 26.29	R 26.29
2020	Hairdresser - 1st year after qualified	R 3,623.06	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.10	R 47.10	R 217.38	R 217.38	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 4,281.79	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 55.66	R 55.66	R 256.91	R 256.91	R 26.27	R 26.27
2024	Hairdresser - Qualified - after 5 years	R 4,496.61	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 58.46	R 58.46	R 269.80	R 269.80	R 26.27	R 26.27
2026	Hairdresser - Qualified - after 10 years	R 4,711.42	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 61.25	R 61.25	R 282.68	R 282.68	R 26.27	R 26.27
2046	LEARNER -- Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER -- Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER -- Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER -- Level 4	R 3,003.12	R 7,913.25	R 1,826.15	R 40.58	R 158.00	R 39.04	R 39.04	R 180.19	R 180.19	R 39.57	R 39.57
4000	STUDENTS - Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
4001	STUDENTS - Module 2 (Level 1 & 2)	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
4002	STUDENTS - Module 4 (Level 3 & 4)	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
4003	STUDENTS - Module 6 (Level 5 & 6)	R 3,003.12	R 7,913.25	R 1,826.15	R 40.58	R 158.00	R 39.04	R 39.04	R 180.19	R 180.19	R 39.57	R 39.57
3032	Manager - Beauty	R 6,318.58	R 6,318.58	R 1,458.15	R 32.40	R 158.00	R 82.14	R 82.14	R 379.11	R 379.11	R 31.59	R 31.59
2060	Manager - Hairdresser	R 5,909.53	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 76.82	R 76.82	R 354.57	R 354.57	R 26.27	R 26.27
2062	Manager - Hairdresser after 5 years	R 6,203.84	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 80.65	R 80.65	R 372.23	R 372.23	R 26.27	R 26.27
2064	Manager - Hairdresser after 10 years	R 6,501.25	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 84.52	R 84.52	R 390.08	R 390.08	R 26.27	R 26.27
3030	Manager - only (Beauty Establishment)	R 4,858.71	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.16	R 63.16	R 291.52	R 291.52	R 26.27	R 26.27
2054	Manager - only (Hairdressing)	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2056	Manager - only (Hairdressing) after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2058	Manager - only (Hairdressing) after 10 years	R 5,706.43	R 5,706.43	R 1,316.88	R 29.26	R 158.00	R 74.18	R 74.18	R 342.39	R 342.39	R 28.53	R 28.53

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ANNEXURE "H7"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 107 BEING THE PROVINCE OF THE FREE STATE.

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R -

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3040	Nail technician - Unqualified	R 2,174.24	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 28.27	R 28.27	R 130.45	R 130.45	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,237.55	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 29.09	R 29.09	R 134.25	R 134.25	R 26.27	R 26.27
3038	Nail technician - Qualified	R 2,564.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.33	R 33.33	R 153.85	R 153.85	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 5,225.64	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 67.93	R 67.93	R 313.54	R 313.54	R 26.27	R 26.27
2067	Operator - Trainee	R 2,254.24	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 29.31	R 29.31	R 135.25	R 135.25	R 26.27	R 26.27
2068	Operator	R 3,113.26	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 40.47	R 40.47	R 186.80	R 186.80	R 26.27	R 26.27
2070	Operator - after 5 years	R 3,268.29	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 42.49	R 42.49	R 196.10	R 196.10	R 26.27	R 26.27
2072	Operator - after 10 years	R 3,423.31	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 44.50	R 44.50	R 205.40	R 205.40	R 26.27	R 26.27
2074	Operator - Multi skilled	R 3,848.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 50.03	R 50.03	R 230.90	R 230.90	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 4,041.58	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 52.54	R 52.54	R 242.50	R 242.50	R 26.27	R 26.27
2078	Operator - Multi skilled - after 10 years	R 4,233.10	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 55.03	R 55.03	R 253.99	R 253.99	R 26.27	R 26.27
3042	Receptionist - Beauty Establishment	R 4,385.67	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.01	R 57.01	R 263.14	R 263.14	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 3,791.33	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 49.29	R 49.29	R 227.48	R 227.48	R 26.27	R 26.27
2084	Receptionist - Hairdressing salon - after 5 years	R 3,981.08	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.75	R 51.75	R 238.86	R 238.86	R 26.27	R 26.27
2086	Receptionist - Hairdressing salon - after 10 years	R 4,170.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 54.22	R 54.22	R 250.25	R 250.25	R 26.27	R 26.27
3048	Somatologist 3 Years	R 3,995.66	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.94	R 51.94	R 239.74	R 239.74	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 4,368.57	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 56.79	R 56.79	R 262.11	R 262.11	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 4,688.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 60.95	R 60.95	R 281.29	R 281.29	R 26.27	R 26.27
1012	Specific Skilled Stylist	R 2,051.09	R 5,254.99	R 1,212.70	R 26.95	R 158.00	R 26.66	R 26.66	R 123.07	R 123.07	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 2,638.54	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.30	R 34.30	R 158.31	R 158.31	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 2,765.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.95	R 35.95	R 165.94	R 165.94	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,537.66	R 5,285.80	R 1,219.81	R 27.11	R 158.00	R 19.99	R 19.99	R 92.26	R 92.26	R 26.43	R 26.43
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 1,614.60	R 5,281.18	R 1,218.74	R 27.08	R 158.00	R 20.99	R 20.99	R 96.88	R 96.88	R 26.41	R 26.41
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 1,689.81	R 5,276.67	R 1,217.70	R 27.06	R 158.00	R 21.97	R 21.97	R 101.39	R 101.39	R 26.38	R 26.38
2089	Working Employer (in Salon with Staff)	R 4,281.79	R 5,378.06	R 1,241.10	R 27.58						R 80.67	

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H7"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 107 BEING THE PROVINCE OF THE FREE STATE.

EOHCB Subscriptions	See Annexure C	
Bargaining Levy	See Annexure C	
Basic establishment charge *	R -	
Total minimum charge *	R -	Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION EARNERS	Qualified Hairdressers / Stylists, which are employees and employed on or after 2010, whom will receive a minimum of 30% commission. Qualified Hairdressers / Stylists, which are employees and employed prior to 2010, whom will receive a minimum 30% Commission **NO STOCK DEDUCTIONS ARE ALLOWED. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE**
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H8"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 108 BEING THE NORTH-WEST PROVINCE (EXCLUDING RUSTENBURG, BRITS AND MANKWE)

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R - Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,855.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.12	R 37.12	R 171.31	R 171.31	R 26.27	R 26.27
2004	Barber - Junior	R 3,670.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.72	R 47.72	R 220.25	R 220.25	R 26.27	R 26.27
2006	Barber - Senior	R 6,004.86	R 6,004.86	R 1,385.75	R 30.79	R 158.00	R 78.06	R 78.06	R 360.29	R 360.29	R 30.02	R 30.02
3036	Beauty Technologist - Unqualified	R 1,628.05	R 5,280.38	R 1,218.56	R 27.08	R 158.00	R 21.16	R 21.16	R 97.68	R 97.68	R 26.40	R 26.40
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 3,967.84	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.58	R 51.58	R 238.07	R 238.07	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 4,429.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.58	R 57.58	R 265.75	R 265.75	R 26.27	R 26.27
3022	Salon Assistant	R 3,048.06	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.62	R 39.62	R 182.88	R 182.88	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
2012	General Assistant after 5 years	R 2,748.34	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.73	R 35.73	R 164.90	R 164.90	R 26.27	R 26.27
2014	General Assistant after 10 years	R 2,877.78	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.41	R 37.41	R 172.67	R 172.67	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 6,226.48	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 80.94	R 80.94	R 373.59	R 373.59	R 26.27	R 26.27
2024	Hairdresser - Qualified - after 5 years	R 6,536.44	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 84.97	R 84.97	R 392.19	R 392.19	R 26.27	R 26.27
2026	Hairdresser - Qualified - after 10 years	R 6,849.45	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 89.04	R 89.04	R 410.97	R 410.97	R 26.27	R 26.27
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 3,456.20	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 44.93	R 44.93	R 207.37	R 207.37	R 39.53	R 39.53
3032	Manager - Beauty	R 7,353.03	R 7,353.03	R 1,696.87	R 37.71	R 158.00	R 95.59	R 95.59	R 441.18	R 441.18	R 36.77	R 36.77
2060	Manager - Hairdresser	R 6,562.51	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 85.31	R 85.31	R 393.75	R 393.75	R 26.27	R 26.27
2062	Manager - Hairdresser after 5 years	R 6,890.92	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 89.58	R 89.58	R 413.46	R 413.46	R 26.27	R 26.27
2064	Manager - Hairdresser after 10 years	R 7,219.22	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 93.85	R 93.85	R 433.15	R 433.15	R 26.27	R 26.27
3030	Manager - only (Beauty Establishment)	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2054	Manager - only (Hairdressing)	R 6,179.77	R 6,179.77	R 1,426.11	R 31.69	R 158.00	R 80.34	R 80.34	R 370.79	R 370.79	R 30.90	R 30.90
2056	Manager - only (Hairdressing) after 5 years	R 6,489.54	R 6,489.54	R 1,497.60	R 33.28	R 158.00	R 84.36	R 84.36	R 389.37	R 389.37	R 32.45	R 32.45
2058	Manager - only (Hairdressing) after 10 years	R 6,797.55	R 6,797.55	R 1,568.68	R 34.86	R 158.00	R 88.37	R 88.37	R 407.85	R 407.85	R 33.99	R 33.99

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H8"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 108 BEING THE NORTH-WEST PROVINCE (EXCLUDING RUSTENBURG, BRITS AND MANKWE)

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R - Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3040	Nail technician - Unqualified	R 2,530.19	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.89	R 32.89	R 151.81	R 151.81	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,603.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.85	R 33.85	R 156.23	R 156.23	R 26.27	R 26.27
3038	Nail technician - Qualified	R 3,037.86	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.49	R 39.49	R 182.27	R 182.27	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2067	Operator - Trainee	R 3,475.33	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.18	R 45.18	R 208.52	R 208.52	R 26.27	R 26.27
2068	Operator	R 4,815.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.61	R 62.61	R 288.95	R 288.95	R 26.27	R 26.27
2072	Operator - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2070	Operator - after 5 years	R 5,056.94	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.74	R 65.74	R 303.42	R 303.42	R 26.27	R 26.27
2074	Operator - Multi skilled	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 5,875.21	R 5,875.21	R 1,355.83	R 30.13	R 158.00	R 76.38	R 76.38	R 352.51	R 352.51	R 29.38	R 29.38
2078	Operator - Multi skilled - after 10 years	R 6,153.66	R 6,153.66	R 1,420.09	R 31.56	R 158.00	R 80.00	R 80.00	R 369.22	R 369.22	R 30.77	R 30.77
3042	Receptionist - Beauty Establishment	R 5,103.66	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.35	R 66.35	R 306.22	R 306.22	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 5,094.18	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.22	R 66.22	R 305.65	R 305.65	R 26.27	R 26.27
2084	Receptionist - Hairdressing salon - after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2086	Receptionist - Hairdressing salon - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3048	Somatologist 3 Years	R 4,649.80	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 60.45	R 60.45	R 278.99	R 278.99	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 4,929.87	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 64.09	R 64.09	R 295.79	R 295.79	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
1012	Specific Skilled Stylist	R 2,493.00	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.41	R 32.41	R 149.58	R 149.58	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 2,743.03	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.66	R 35.66	R 164.58	R 164.58	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,703.95	R 5,275.82	R 1,217.51	R 27.06	R 158.00	R 22.15	R 22.15	R 102.24	R 102.24	R 26.38	R 26.38
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 1,789.07	R 5,270.71	R 1,216.33	R 27.03	R 158.00	R 23.26	R 23.26	R 107.34	R 107.34	R 26.35	R 26.35
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 1,875.96	R 5,265.50	R 1,215.12	R 27.00	R 158.00	R 24.39	R 24.39	R 112.56	R 112.56	R 26.33	R 26.33
2089	Working Employer (in Salon with Staff)	R 7,062.07	R 7,062.07	R 1,629.72	R 36.22						R 105.93	

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H8"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE IN DIVISION 108 BEING THE NORTH-WEST PROVINCE (EXCLUDING RUSTENBURG, BRITS AND MANKWE)

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Basic establishment charge *	R -
Total minimum charge *	R - Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed**HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION EARNERS	Qualified Hairdressers / Stylists, which are employees and employed on or after 2010, whom will receive a minimum of 30% commission. Qualified Hairdressers / Stylists, which are employees and employed prior to 2010, whom will receive a minimum 30% Commission **NO STOCK DEDUCTIONS ARE ALLOWED. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE**
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to**R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently**R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL

ANNEXURE "H9"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING FOR DIVISION 109 BEING THE ENTIRE KWA-ZULU NATAL PROVINCE

EOHCB Subscriptions: See Annexure C
Bargaining Levy: See Annexure C

			Changed to NMW less ER Pension Contribution											Scheme "A"		Scheme "B" Member		Scheme "B" Member +1		Scheme "B" Member +2		Scheme "B" Member +3	
														NO NEW SBF MEMBERS FROM 01/01/2019									
Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF EAC only	2024 Monthly Rate	2024 Hourly Rate - 45hr/Per week	2024 Union Fee	PC Fee ER - 1.25% of Contributing Wage	PC Fee EE - 1.25% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage	SBF "A" Employee	SBF "A" Employer	SBF "B" Employee	SBF "B" Employer	SBF "B1" Employee	SBF "B1" Employer	SBF "B2" Employee	SBF "B2" Employer	SBF "B3" Employer	SBF "B3" Employee
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 538.95	R 538.95	R 41.46	R 41.46	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2002	Barber - Trainee	R 3,805.82	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 49.48	R 49.48	R 247.38	R 247.38	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2004	Barber - Junior	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 341.53	R 341.53	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2006	Barber - Senior	R 7,795.50	R 7,795.50	R 1,798.98	R 39.98	R 158.00	R 101.34	R 101.34	R 506.71	R 506.71	R 38.98	R 38.98	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3036	Beauty Technologist - Unqualified	R 2,647.53	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.42	R 34.42	R 172.09	R 172.09	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 341.53	R 341.53	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3020	Beauty and Skincare Therapist - Unqualified	R 4,136.76	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 53.78	R 53.78	R 268.89	R 268.89	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3014	Beauty and Skincare Therapist	R 5,684.22	R 5,684.22	R 1,311.75	R 29.15	R 158.00	R 73.89	R 73.89	R 369.47	R 369.47	R 28.42	R 28.42	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3022	Salon Assistant	R 4,288.99	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 55.76	R 55.76	R 278.78	R 278.78	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 317.70	R 317.70	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2010	General Assistant	R 2,942.06	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 38.25	R 38.25	R 191.23	R 191.23	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2022	Hairdresser - no trade test	R 4,881.38	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.46	R 63.46	R 317.29	R 317.29	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2020	Hairdresser - 1st year after qualified	R 4,907.86	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.80	R 63.80	R 319.01	R 319.01	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2016	Hairdresser - Qualified	R 6,890.89	R 6,890.89	R 1,590.22	R 35.34	R 158.00	R 89.58	R 89.58	R 447.91	R 447.91	R 34.45	R 34.45	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2052	LEARNER – Level 4	R 4,176.48	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 54.29	R 54.29	R 271.47	R 271.47	R 39.53	R 39.53	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3032	Manager - Beauty	R 7,353.03	R 7,353.03	R 1,696.87	R 37.71	R 158.00	R 95.59	R 95.59	R 477.95	R 477.95	R 36.77	R 36.77										
2060	Manager - Hairdresser	R 6,562.51	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 85.31	R 85.31	R 426.56	R 426.56	R 26.27	R 26.27										
3030	Manager - only (Beauty Establishment)	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 341.53	R 341.53	R 26.27	R 26.27										
2054	Manager - only (Hairdressing)	R 6,179.77	R 6,179.77	R 1,426.11	R 31.69	R 158.00	R 80.34	R 80.34	R 401.68	R 401.68	R 30.90	R 30.90										
3028	Make-up Artist Trainee	R 4,136.76	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 53.78	R 53.78	R 268.89	R 268.89	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3026	Make-up Artist	R 5,684.22	R 5,684.22	R 1,311.75	R 29.15	R 158.00	R 73.89	R 73.89	R 369.47	R 369.47	R 28.42	R 28.42	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3040	Nail technician - Unqualified	R 4,180.47	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 54.35	R 54.35	R 271.73	R 271.73	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3084	Nail Technician - Certified	R 4,302.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 55.93	R 55.93	R 279.65	R 279.65	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3038	Nail technician - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 341.53	R 341.53	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 171.22	R 171.22	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 317.70	R 317.70	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2067	Operator - Trainee	R 3,630.43	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.20	R 47.20	R 235.98	R 235.98	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2068	Operator	R 4,288.99	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 55.76	R 55.76	R 278.78	R 278.78	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2074	Operator - Multi skilled	R 4,449.13	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.84	R 57.84	R 289.19	R 289.19	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3042	Receptionist - Beauty Establishment	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 341.53	R 341.53	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2082	Receptionist - Hairdressing salon	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 341.53	R 341.53	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3048	Somatologist 3 Years	R 6,983.47	R 6,983.47	R 1,611.58	R 35.81	R 158.00	R 90.79	R 90.79	R 453.93	R 453.93	R 34.92	R 34.92	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
3052	Somatologist B Tech - 4 years	R 7,876.70	R 7,876.70	R 1,817.71	R 40.39	R 158.00	R 102.40	R 102.40	R 511.99	R 511.99	R 39.38	R 39.38	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
1012	Specific Skilled Stylist	R 2,943.71	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 38.27	R 38.27	R 191.34	R 191.34	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 2,930.49	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 38.10	R 38.10	R 190.48	R 190.48	R 26.27	R 26.27	R 70.00	R 100.00	R 70.00	R 175.00	R 70.00	R 313.00	R 70.00	R 441.00	R 70.00	R 580.00
2089	Working Employer (in Salon with Staff)	R 6,890.89	R 6,890.89	R 1,590.22	R 35.34						R 103.36		R 170.00		R 245.00		R 383.00		R 511.00		R 650.00	

NATIONAL BARGAINING COUNCIL

ANNEXURE "H9"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING FOR DIVISION 109 BEING THE ENTIRE KWA-ZULU NATAL PROVINCE

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

			Changed to NMW less ER Pension Contribution										Scheme "A"		Scheme "B" Member		Scheme "B" Member +1		Scheme "B" Member +2		Scheme "B" Member +3	
													NO NEW SBF MEMBERS FROM 01/01/2019									
Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SDF Calculation	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer Based on Minimum Wage	2024 National SPF Employee based on Minimum Wage	SBF "A" Employer	SBF "A" Employee	SBF "B" Employer	SBF "B" Employee	SBF "B1" Employer	SBF "B1" Employee	SBF "B2" Employer	SBF "B2" Employee	SBF "B3" Employer	SBF "B3" Employee
2089	Working Employer	R 4 000.00	R 4 000.00	R 923.08	R 20.51	R 129.00	R 52.00	R 52.00	R 600.00	R 600.00	R 600.00	R 600.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
2090	Hairdresser	R 4 000.00	R 4 000.00	R 923.08	R 20.51	R 129.00	R 52.00	R 52.00	R 600.00	R 600.00	R 600.00	R 600.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
2091	Senior Hairdresser	R 4 000.00	R 4 000.00	R 923.08	R 20.51	R 129.00	R 52.00	R 52.00	R 600.00	R 600.00	R 600.00	R 600.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
2092	Trainee Hairdresser	R 4 000.00	R 4 000.00	R 923.08	R 20.51	R 129.00	R 52.00	R 52.00	R 600.00	R 600.00	R 600.00	R 600.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
2093	Assistant Hairdresser	R 4 000.00	R 4 000.00	R 923.08	R 20.51	R 129.00	R 52.00	R 52.00	R 600.00	R 600.00	R 600.00	R 600.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
2094	Learner Hairdresser	R 4 000.00	R 4 000.00	R 923.08	R 20.51	R 129.00	R 52.00	R 52.00	R 600.00	R 600.00	R 600.00	R 600.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
2095	Apprentice Hairdresser	R 4 000.00	R 4 000.00	R 923.08	R 20.51	R 129.00	R 52.00	R 52.00	R 600.00	R 600.00	R 600.00	R 600.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6.5% of the cONTRIBUTIONS Salary of the Employee. Contributions payable by all Employers will be 6.5% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day

SICK BENEFIT FUND CONTRIBUTIONS - NO NEW MEMBERS TO JOIN FROM 2019

CATEGORY	SCHEME "B1" Member +1	SCHEME "B2" Member +2	SCHEME "B3" Member +3
EMPLOYER CONTRIBUTION	R 70.00	R 70.00	R 70.00
EMPLOYEE CONTRIBUTION	R 313.00	R 441.00	R 580.00

ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates toR 158.00 per month per member. For members who join UASA after the age of 60, the Union Fee equates toR 129.00 per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currentlyR 158.00 per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H10"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 112 BEING THE MAGISTERIAL DISTRICTS OF PRETORIA, WONDERBOOM - WORKING 40 HOURS HAIRDRESSING, 45 HOURS BEAUTY AND 25 HOURS PART TIME

EOHCB Subscriptions /Bargaining Levy	See Annexure C
Bargaining Levy	See Annexure C
Salon Charge *	R -

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 40h/Per week, Beauty 45h/Per week, Part time 25h/Per week	2024 Union Fee	* BC Fee ER - Salon Reg pre Nov17 - 1.3% @ 90% on Contributing Wage	* BC Fee EE - Salon Reg pre Nov17 - 1.3% on Contributing Wage	* BC Fee ER - Salon Reg after Nov17 - 1.3% of Contributing Wage	* BC Fee EE - Salon Reg after Nov17 - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 97.01	R 107.79	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2000	Barber - starting 1 month	R 3,640.35	R 4,670.47	R 1,077.81	R 26.95	R 158.00	R 42.59	R 47.32	R 47.32	R 47.32	R 218.42	R 218.42	R 23.35	R 23.35
2002	Barber - Trainee	R 4,136.76	R 4,670.47	R 1,077.81	R 26.95	R 158.00	R 48.40	R 53.78	R 53.78	R 53.78	R 248.21	R 248.21	R 23.35	R 23.35
2004	Barber - Junior	R 4,868.46	R 4,670.47	R 1,077.81	R 26.95	R 158.00	R 56.96	R 63.29	R 63.29	R 63.29	R 292.11	R 292.11	R 23.35	R 23.35
2006	Barber - Senior	R 8,120.31	R 8,120.31	R 1,873.93	R 46.85	R 158.00	R 95.01	R 105.56	R 105.56	R 105.56	R 487.22	R 487.22	R 40.60	R 40.60
3036	Beauty Technologist - Unqualified	R 2,728.01	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 31.92	R 35.46	R 35.46	R 35.46	R 163.68	R 163.68	R 26.27	R 26.27
3034	Beauty Technologist - Qualified	R 5,177.80	R 5,177.80	R 1,194.89	R 26.55	R 158.00	R 60.58	R 67.31	R 67.31	R 67.31	R 310.67	R 310.67	R 25.89	R 25.89
3020	Beauty and Skincare Therapist - Unqualified	R 4,967.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 58.12	R 64.58	R 64.58	R 64.58	R 298.07	R 298.07	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 6,733.76	R 6,733.76	R 1,553.96	R 34.53	R 158.00	R 78.78	R 87.54	R 87.54	R 87.54	R 404.03	R 404.03	R 33.67	R 33.67
3022	Salon Assistant	R 3,629.20	R 4,670.47	R 1,077.81	R 26.95	R 158.00	R 42.46	R 47.18	R 47.18	R 47.18	R 217.75	R 217.75	R 23.35	R 23.35
4018	Drybar Worker	R 4,344.56	R 4,670.47	R 1,077.81	R 26.95	R 158.00	R 50.83	R 56.48	R 56.48	R 56.48	R 260.67	R 260.67	R 23.35	R 23.35
2011	General Assistant - Part Time	R 2,822.53	R 2,919.04	R 673.63	R 26.95	R 158.00	R 33.02	R 36.69	R 36.69	R 36.69	R 169.35	R 169.35	R 14.60	R 14.60
2010	General Assistant	R 3,662.44	R 4,670.47	R 1,077.81	R 26.95	R 158.00	R 42.85	R 47.61	R 47.61	R 47.61	R 219.75	R 219.75	R 23.35	R 23.35
2021	Hairdresser - 1st year after qualified - Part Time	R 3,817.88	R 3,817.88	R 881.06	R 35.24	R 158.00	R 44.67	R 49.63	R 49.63	R 49.63	R 229.07	R 229.07	R 19.09	R 19.09
2020	Hairdresser - 1st year after qualified	R 5,722.54	R 5,722.54	R 1,320.60	R 33.01	R 158.00	R 66.95	R 74.39	R 74.39	R 74.39	R 343.35	R 343.35	R 28.61	R 28.61
2023	Hairdresser - Qualified - Part Time	R 5,404.81	R 5,404.81	R 1,247.27	R 49.89	R 158.00	R 63.24	R 70.26	R 70.26	R 70.26	R 324.29	R 324.29	R 27.02	R 27.02
2022	Hairdresser - Qualified	R 8,132.11	R 8,132.11	R 1,876.65	R 46.92	R 158.00	R 95.15	R 105.72	R 105.72	R 105.72	R 487.93	R 487.93	R 40.66	R 40.66
2046	LEARNER -- Entry Level	R -	R 1,798.62	R 415.07	R 10.38	R 158.00	R -	R -	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER -- Level 2	R -	R 3,597.03	R 830.09	R 20.75	R 158.00	R -	R -	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER -- Level 3	R -	R 5,545.58	R 1,279.76	R 31.99	R 158.00	R -	R -	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER -- Level 4	R 4,649.36	R 7,906.95	R 1,824.69	R 45.62	R 158.00	R 54.40	R 60.44	R 60.44	R 60.44	R 278.96	R 278.96	R 39.53	R 39.53
3028	Make-up Artist Trainee	R 4,703.60	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 55.03	R 61.15	R 61.15	R 61.15	R 282.22	R 282.22	R 26.27	R 26.27
3026	Make-up Artist	R 6,562.36	R 6,562.36	R 1,514.40	R 33.65	R 158.00	R 76.78	R 85.31	R 85.31	R 85.31	R 393.74	R 393.74	R 32.81	R 32.81
3032	Manager - Beauty	R 10,464.41	R 10,464.41	R 2,414.88	R 53.66	R 158.00	R 122.43	R 136.04	R 136.04	R 136.04	R 627.86	R 627.86	R 52.32	R 52.32
2060	Manager - Hairdresser	R 10,823.34	R 10,823.34	R 2,497.71	R 62.44	R 158.00	R 126.63	R 140.70	R 140.70	R 140.70	R 649.40	R 649.40	R 54.12	R 54.12
2054	Manager - only (Hairdressing)	R 10,565.71	R 10,565.71	R 2,438.26	R 60.96	R 158.00	R 123.62	R 137.35	R 137.35	R 137.35	R 633.94	R 633.94	R 52.83	R 52.83
3040	Nail technician - Unqualified	R 4,186.19	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.98	R 54.42	R 54.42	R 54.42	R 251.17	R 251.17	R 26.27	R 26.27
3084	Nail Technician - Certified	R 4,311.78	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 50.45	R 56.05	R 56.05	R 56.05	R 258.71	R 258.71	R 26.27	R 26.27
3038	Nail technician - Qualified	R 6,562.36	R 6,562.36	R 1,514.40	R 33.65	R 158.00	R 76.78	R 85.31	R 85.31	R 85.31	R 393.74	R 393.74	R 32.81	R 32.81
3088	Massage Therapist - entry level	R 3,828.53	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 44.79	R 49.77	R 49.77	R 49.77	R 229.71	R 229.71	R 26.27	R 26.27
3087	Massage Therapist	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 61.47	R 68.31	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2066	Operator - Trainee - Part Time	R 2,565.29	R 2,919.04	R 673.63	R 26.95	R 158.00	R 30.01	R 33.35	R 33.35	R 33.35	R 153.92	R 153.92	R 14.60	R 14.60
2067	Operator - Trainee	R 3,849.68	R 4,670.47	R 1,077.81	R 26.95	R 158.00	R 45.04	R 50.05	R 50.05	R 50.05	R 230.98	R 230.98	R 23.35	R 23.35
2069	Operator - Part Time	R 3,807.59	R 3,807.59	R 878.68	R 35.15	R 158.00	R 44.55	R 49.50	R 49.50	R 49.50	R 228.46	R 228.46	R 19.04	R 19.04
2068	Operator	R 5,713.94	R 5,713.94	R 1,318.61	R 32.97	R 158.00	R 66.85	R 74.28	R 74.28	R 74.28	R 342.84	R 342.84	R 28.57	R 28.57
3042	Receptionist - Beauty Establishment	R 6,498.46	R 6,498.46	R 1,499.66	R 33.33	R 158.00	R 76.03	R 84.48	R 84.48	R 84.48	R 389.91	R 389.91	R 32.49	R 32.49
2083	Receptionist - Hairdressing salon - Part Time	R 4,456.76	R 4,456.76	R 1,028.49	R 41.14	R 158.00	R 52.14	R 57.94	R 57.94	R 57.94	R 267.41	R 267.41	R 22.28	R 22.28
2082	Receptionist - Hairdressing salon	R 6,689.46	R 6,689.46	R 1,543.73	R 38.59	R 158.00	R 78.27	R 86.96	R 86.96	R 86.96	R 401.37	R 401.37	R 33.45	R 33.45
3048	Somatologist 3 Years	R 7,783.46	R 7,783.46	R 1,796.20	R 39.92	R 158.00	R 91.07	R 101.18	R 101.18	R 101.18	R 467.01	R 467.01	R 38.92	R 38.92
3052	Somatologist B Tech - 4 years	R 8,559.49	R 8,559.49	R 1,975.28	R 43.90	R 158.00	R 100.15	R 111.27	R 111.27	R 111.27	R 513.57	R 513.57	R 42.80	R 42.80

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H10"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 112 BEING THE MAGISTERIAL DISTRICTS OF PRETORIA, WONDERBOOM - WORKING 40 HOURS HAIRDRESSING, 45 HOURS BEAUTY AND 25 HOURS PART TIME

EOHCB Subscriptions /Bargaining Levy	See Annexure C
Bargaining Levy	See Annexure C
Salon Charge *	R -

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 40h/Per week, Beauty 45h/Per week, Part time 25h/Per week	2024 Union Fee	* BC Fee ER - Salon Reg pre Nov17 - 1.3% @ 90% on Contributing Wage	* BC Fee EE - Salon Reg pre Nov17 - 1.3% on Contributing Wage	* BC Fee ER - Salon Reg after Nov17 - 1.3% of Contributing Wage	* BC Fee EE - Salon Reg after Nov17 - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 3,620.46	R 4,670.47	R 1,077.81	R 26.95	R 158.00	R 42.36	R 47.07	R 47.07	R 47.07	R 217.23	R 217.23	R 23.35	R 23.35
1001	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting - Part Time	R 2,414.79	R 2,919.04	R 673.63	R 26.95	R 158.00	R 28.25	R 31.39	R 31.39	R 31.39	R 144.89	R 144.89	R 14.60	R 14.60
2089	Working Employer (in Salon with Staff)	R 8,132.11	R 8,132.11	R 1,876.65	R 46.92								R 121.98	

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment. 3 Days per week is calculated at two thirds of the basic wage. Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION ONLY LEARNERS	Qualified Hairdressers / Stylists, which are employees will receive a minimum of 30% commission - THIS IS APPLICABLE ONLY TO AFRO SALONS **NO STOCK DEDUCTIONS ARE ALLOWED IN AFRO SALONS ONLY. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE** Should the stylist earn basic + commission, stock is deductible
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 40h/Per week, Beauty 45h/Per week, Part time 25h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H11"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 113 BEING THE MAGISTERIAL DISTRICTS OF PRETORIA, WONDERBOOM - WORKING 45 HOURS AND PART TIME 25 HOURS - ALL CATEGORIES

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Salon Charge *	R -

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
			Changed to NMW 2024 less ER Pension Contribution									
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2000	Barber - starting 1 month	R 3,709.04	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.22	R 48.22	R 222.54	R 222.54	R 26.27	R 26.27
2002	Barber - Trainee	R 4,214.82	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 54.79	R 54.79	R 252.89	R 252.89	R 26.27	R 26.27
2004	Barber - Junior	R 5,626.00	R 5,626.00	R 1,298.32	R 28.85	R 158.00	R 73.14	R 73.14	R 337.56	R 337.56	R 28.13	R 28.13
2006	Barber - Senior	R 8,273.53	R 8,273.53	R 1,909.29	R 42.43	R 158.00	R 107.56	R 107.56	R 496.41	R 496.41	R 41.37	R 41.37
3036	Beauty Technologist - Unqualified	R 3,127.17	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 40.65	R 40.65	R 187.63	R 187.63	R 26.27	R 26.27
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 7,719.47	R 7,719.47	R 1,781.43	R 39.59	R 158.00	R 100.35	R 100.35	R 463.17	R 463.17	R 38.60	R 38.60
3022	Salon Assistant	R 4,159.43	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 54.07	R 54.07	R 249.57	R 249.57	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2011	General Assistant - Part Time	R 2,875.76	R 2,919.04	R 673.63	R 26.95	R 158.00	R 37.38	R 37.38	R 172.55	R 172.55	R 14.60	R 14.60
2010	General Assistant	R 3,731.55	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.51	R 48.51	R 223.89	R 223.89	R 26.27	R 26.27
2021	Hairdresser - 1st year after qualified - Part Time	R 3,889.92	R 3,889.92	R 897.68	R 35.91	R 158.00	R 50.57	R 50.57	R 233.39	R 233.39	R 19.45	R 19.45
2020	Hairdresser - 1st year after qualified	R 5,830.51	R 5,830.51	R 1,345.51	R 29.90	R 158.00	R 75.80	R 75.80	R 349.83	R 349.83	R 29.15	R 29.15
2023	Hairdresser - Qualified - Part Time	R 5,506.78	R 5,506.78	R 1,270.81	R 50.83	R 158.00	R 71.59	R 71.59	R 330.41	R 330.41	R 27.53	R 27.53
2022	Hairdresser - Qualified	R 8,285.54	R 8,285.54	R 1,912.06	R 42.49	R 158.00	R 107.71	R 107.71	R 497.13	R 497.13	R 41.43	R 41.43
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 4,737.07	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 61.58	R 61.58	R 284.22	R 284.22	R 39.53	R 39.53
3028	Make-up Artist Trainee	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3026	Make-up Artist	R 7,520.87	R 7,520.87	R 1,735.60	R 38.57	R 158.00	R 97.77	R 97.77	R 451.25	R 451.25	R 37.60	R 37.60
3032	Manager - Beauty	R 11,991.73	R 11,991.73	R 2,767.34	R 61.50	R 158.00	R 155.89	R 155.89	R 719.50	R 719.50	R 59.96	R 59.96
2060	Manager - Hairdresser	R 11,028.16	R 11,028.16	R 2,544.98	R 56.56	R 158.00	R 143.37	R 143.37	R 661.69	R 661.69	R 55.14	R 55.14
2054	Manager - only (Hairdressing)	R 10,765.08	R 10,765.08	R 2,484.27	R 55.21	R 158.00	R 139.95	R 139.95	R 645.90	R 645.90	R 53.83	R 53.83
3040	Nail technician - Unqualified	R 4,709.46	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 61.22	R 61.22	R 282.57	R 282.57	R 26.27	R 26.27
3084	Nail Technician - Certified	R 4,850.75	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.06	R 63.06	R 291.04	R 291.04	R 26.27	R 26.27
3038	Nail technician - Qualified	R 7,520.87	R 7,520.87	R 1,735.60	R 38.57	R 158.00	R 97.77	R 97.77	R 451.25	R 451.25	R 37.60	R 37.60

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CONTINUES ON PAGE 130 OF BOOK 2

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H11"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 113 BEING THE MAGISTERIAL DISTRICTS OF PRETORIA, WONDERBOOM - WORKING 45 HOURS AND PART TIME 25 HOURS - ALL CATEGORIES

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Salon Charge *	R -

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 5,154.39	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 67.01	R 67.01	R 309.26	R 309.26	R 26.27	R 26.27
2066	Operator - Trainee - Part Time	R 2,613.69	R 2,919.04	R 673.63	R 26.95	R 158.00	R 33.98	R 33.98	R 156.82	R 156.82	R 14.60	R 14.60
2067	Operator - Trainee	R 3,922.31	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 50.99	R 50.99	R 235.34	R 235.34	R 26.27	R 26.27
2069	Operator - Part Time	R 3,879.42	R 3,879.42	R 895.26	R 35.81	R 158.00	R 50.43	R 50.43	R 232.77	R 232.77	R 19.40	R 19.40
2068	Operator	R 5,821.75	R 5,821.75	R 1,343.49	R 29.86	R 158.00	R 75.68	R 75.68	R 349.30	R 349.30	R 29.11	R 29.11
3042	Receptionist - Beauty Establishment	R 7,450.84	R 7,450.84	R 1,719.44	R 38.21	R 158.00	R 96.86	R 96.86	R 447.05	R 447.05	R 37.25	R 37.25
2083	Receptionist - Hairdressing salon - Part Time	R 4,540.87	R 4,540.87	R 1,047.90	R 41.92	R 158.00	R 59.03	R 59.03	R 272.45	R 272.45	R 22.70	R 22.70
2082	Receptionist - Hairdressing salon	R 6,815.67	R 6,815.67	R 1,572.86	R 34.95	R 158.00	R 88.60	R 88.60	R 408.94	R 408.94	R 34.08	R 34.08
3048	Somatologist 3 Years	R 8,919.91	R 8,919.91	R 2,058.46	R 45.74	R 158.00	R 115.96	R 115.96	R 535.19	R 535.19	R 44.60	R 44.60
3052	Somatologist B Tech - 4 years	R 9,810.89	R 9,810.89	R 2,264.07	R 50.31	R 158.00	R 127.54	R 127.54	R 588.65	R 588.65	R 49.05	R 49.05
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 3,620.46	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.07	R 47.07	R 217.23	R 217.23	R 26.27	R 26.27
1001	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting - Part Time	R 2,414.79	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 31.39	R 31.39	R 144.89	R 144.89	R 26.27	R 26.27
2089	Working Employer (in Salon with Staff)	R 8,285.54	R 8,285.54	R 1,912.06	R 42.49						R 124.28	

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Salon Charge *	R -

Changed to NMW 2024 less ER Pension Contribution

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NOTES

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WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
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LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
for Hairdressing, Cosmetology, Beauty & Skincare Industry

ANNEXURE "H12"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 114 BEING THE MAGISTERIAL DISTRICT OF BRONKHORSTSPRUIT AND CULLINAN

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Salon Charge *	R -

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2000	Barber - starting 1 month	R 2,503.60	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.55	R 32.55	R 150.22	R 150.22	R 26.27	R 26.27
2002	Barber - Trainee	R 2,845.00	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 36.99	R 36.99	R 170.70	R 170.70	R 26.27	R 26.27
2004	Barber - Junior	R 3,869.21	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 50.30	R 50.30	R 232.15	R 232.15	R 26.27	R 26.27
2006	Barber - Senior	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3036	Beauty Technologist - Unqualified	R 1,929.08	R 5,262.31	R 1,214.39	R 26.99	R 158.00	R 25.08	R 25.08	R 115.74	R 115.74	R 26.31	R 26.31
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 3,514.02	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.68	R 45.68	R 210.84	R 210.84	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 4,852.47	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.08	R 63.08	R 291.15	R 291.15	R 26.27	R 26.27
3022	Salon Assistant	R 2,617.90	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.03	R 34.03	R 157.07	R 157.07	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2011	General Assistant - Part Time	R 1,995.03	R 2,919.04	R 673.63	R 26.95	R 158.00	R 25.94	R 25.94	R 119.70	R 119.70	R 14.60	R 14.60
2010	General Assistant	R 2,590.51	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.68	R 33.68	R 155.43	R 155.43	R 26.27	R 26.27
2021	Hairdresser - 1st year after qualified - Part Time	R 2,750.97	R 2,919.04	R 673.63	R 26.95	R 158.00	R 35.76	R 35.76	R 165.06	R 165.06	R 14.60	R 14.60
2020	Hairdresser - 1st year after qualified	R 4,123.77	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 53.61	R 53.61	R 247.43	R 247.43	R 26.27	R 26.27
2023	Hairdresser - Qualified - Part Time	R 3,823.43	R 3,823.43	R 882.34	R 35.29	R 158.00	R 49.70	R 49.70	R 229.41	R 229.41	R 19.12	R 19.12
2022	Hairdresser - Qualified	R 5,751.75	R 5,751.75	R 1,327.34	R 29.50	R 158.00	R 74.77	R 74.77	R 345.10	R 345.10	R 28.76	R 28.76
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 3,287.60	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 42.74	R 42.74	R 197.26	R 197.26	R 39.53	R 39.53
3028	Make-up Artist Trainee	R 3,328.61	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 43.27	R 43.27	R 199.72	R 199.72	R 26.27	R 26.27
3026	Make-up Artist	R 4,728.16	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 61.47	R 61.47	R 283.69	R 283.69	R 26.27	R 26.27
3032	Manager - Beauty	R 7,400.12	R 7,400.12	R 1,707.73	R 37.95	R 158.00	R 96.20	R 96.20	R 444.01	R 444.01	R 37.00	R 37.00
2060	Manager - Hairdresser	R 7,655.58	R 7,655.58	R 1,766.69	R 39.26	R 158.00	R 99.52	R 99.52	R 459.34	R 459.34	R 38.28	R 38.28
2054	Manager - only (Hairdressing)	R 7,541.87	R 7,541.87	R 1,740.45	R 38.68	R 158.00	R 98.04	R 98.04	R 452.51	R 452.51	R 37.71	R 37.71
3040	Nail technician - Unqualified	R 2,906.04	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.78	R 37.78	R 174.36	R 174.36	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,993.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 38.91	R 38.91	R 179.59	R 179.59	R 26.27	R 26.27
3038	Nail technician - Qualified	R 4,728.16	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 61.47	R 61.47	R 283.69	R 283.69	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27

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NATIONAL BARGAINING COUNCIL
Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H12"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 114 BEING THE MAGISTERIAL DISTRICT OF BRONKHORSTSPRUIT AND CULLINAN

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Salon Charge *	R -

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2066	Operator - Trainee - Part Time	R 2,715.35	R 2,919.04	R 673.63	R 26.95	R 158.00	R 35.30	R 35.30	R 162.92	R 162.92	R 14.60	R 14.60
2067	Operator - Trainee	R 2,722.43	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.39	R 35.39	R 163.35	R 163.35	R 26.27	R 26.27
2069	Operator - Part Time	R 2,743.83	R 2,919.04	R 673.63	R 26.95	R 158.00	R 35.67	R 35.67	R 164.63	R 164.63	R 14.60	R 14.60
2068	Operator	R 4,116.65	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 53.52	R 53.52	R 247.00	R 247.00	R 26.27	R 26.27
3042	Receptionist - Beauty Establishment	R 4,684.44	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 60.90	R 60.90	R 281.07	R 281.07	R 26.27	R 26.27
2083	Receptionist - Hairdressing salon - Part Time	R 3,181.23	R 3,181.23	R 734.14	R 29.37	R 158.00	R 41.36	R 41.36	R 190.87	R 190.87	R 15.91	R 15.91
2082	Receptionist - Hairdressing salon	R 4,865.45	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.25	R 63.25	R 291.93	R 291.93	R 26.27	R 26.27
3048	Somatologist 3 Years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 6,054.87	R 6,054.87	R 1,397.29	R 31.05	R 158.00	R 78.71	R 78.71	R 363.29	R 363.29	R 30.27	R 30.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 3,718.82	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 48.34	R 48.34	R 223.13	R 223.13	R 26.27	R 26.27
1001	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting - Part Time	R 2,460.37	R 2,919.04	R 673.63	R 26.95	R 158.00	R 31.98	R 31.98	R 147.62	R 147.62	R 14.60	R 14.60
2089	Working Employer (in Salon with Staff)	R 5,751.75	R 5,751.75	R 1,327.34	R 29.50						R 86.28	

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NATIONAL BARGAINING COUNCIL
Hair, Hairdressing - Cosmetology - Beauty & Skincare Industry

ANNEXURE "H12"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 114 BEING THE MAGISTERIAL DISTRICT OF BRONKHORSTSPRUIT AND CULLINAN

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C
Salon Charge *	R -

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment. 3 Days per week is calculated at two thirds of the basic wage. Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
COMMISSION ONLY EARNERS	Qualified Hairdressers / Stylists, which are employees will receive a minimum of 30% commission - THIS IS APPLICABLE ONLY TO AFRO SALONS NO STOCK DEDUCTIONS ARE ALLOWED IN AFRO SALONS ONLY. VAT AND LOYALTY CARD FEES SHALL BE DEDUCTABLE Should the stylist earn basic + commission, stock is deductible
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimm Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
for the Hairdressing - Cosmetology - Beauty & Skincare Industry

ANNEXURE "H13"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 115 BEING RUSTENBURG, BRITS, MANKWE (HARTBEESPOORT)- WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only (Changed to NMW less ER Pension Contribution)	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,855.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.12	R 37.12	R 171.31	R 171.31	R 26.27	R 26.27
2004	Barber - Junior	R 3,670.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.72	R 47.72	R 220.25	R 220.25	R 26.27	R 26.27
2006	Barber - Senior	R 6,004.86	R 6,004.86	R 1,385.75	R 30.79	R 158.00	R 78.06	R 78.06	R 360.29	R 360.29	R 30.02	R 30.02
3036	Beauty Technologist - Unqualified	R 1,628.05	R 5,280.38	R 1,218.56	R 27.08	R 158.00	R 21.16	R 21.16	R 97.68	R 97.68	R 26.40	R 26.40
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 3,967.84	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.58	R 51.58	R 238.07	R 238.07	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 4,429.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.58	R 57.58	R 265.75	R 265.75	R 26.27	R 26.27
3022	Salon Assistant	R 3,048.06	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.62	R 39.62	R 182.88	R 182.88	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
2012	General Assistant after 5 years	R 2,748.34	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.73	R 35.73	R 164.90	R 164.90	R 26.27	R 26.27
2014	General Assistant after 10 years	R 2,877.78	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.41	R 37.41	R 172.67	R 172.67	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 7,062.07	R 7,062.07	R 1,629.72	R 36.22	R 158.00	R 91.81	R 91.81	R 423.72	R 423.72	R 35.31	R 35.31
2024	Hairdresser - Qualified - after 5 years	R 7,413.63	R 7,413.63	R 1,710.85	R 38.02	R 158.00	R 96.38	R 96.38	R 444.82	R 444.82	R 37.07	R 37.07
2026	Hairdresser - Qualified - after 10 years	R 7,768.65	R 7,768.65	R 1,792.78	R 39.84	R 158.00	R 100.99	R 100.99	R 466.12	R 466.12	R 38.84	R 38.84
2046	LEARNER -- Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER -- Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER -- Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER -- Level 4	R 3,456.20	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 44.93	R 44.93	R 207.37	R 207.37	R 39.53	R 39.53
3032	Manager - Beauty	R 7,353.03	R 7,353.03	R 1,696.87	R 37.71	R 158.00	R 95.59	R 95.59	R 441.18	R 441.18	R 36.77	R 36.77
2060	Manager - Hairdresser	R 7,443.20	R 7,443.20	R 1,717.68	R 38.17	R 158.00	R 96.76	R 96.76	R 446.59	R 446.59	R 37.22	R 37.22
2062	Manager - Hairdresser after 5 years	R 7,815.68	R 7,815.68	R 1,803.63	R 40.08	R 158.00	R 101.60	R 101.60	R 468.94	R 468.94	R 39.08	R 39.08
2064	Manager - Hairdresser after 10 years	R 8,188.04	R 8,188.04	R 1,889.56	R 41.99	R 158.00	R 106.44	R 106.44	R 491.28	R 491.28	R 40.94	R 40.94
3030	Manager - only (Beauty Establishment)	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2054	Manager - only (Hairdressing)	R 6,179.77	R 6,179.77	R 1,426.11	R 31.69	R 158.00	R 80.34	R 80.34	R 370.79	R 370.79	R 30.90	R 30.90
2056	Manager - only (Hairdressing) after 5 years	R 6,489.54	R 6,489.54	R 1,497.60	R 33.28	R 158.00	R 84.36	R 84.36	R 389.37	R 389.37	R 32.45	R 32.45
2058	Manager - only (Hairdressing) after 10 years	R 6,797.55	R 6,797.55	R 1,568.68	R 34.86	R 158.00	R 88.37	R 88.37	R 407.85	R 407.85	R 33.99	R 33.99
3040	Nail technician - Unqualified	R 2,530.19	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.89	R 32.89	R 151.81	R 151.81	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,603.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.85	R 33.85	R 156.23	R 156.23	R 26.27	R 26.27
3038	Nail technician - Qualified	R 3,037.86	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.49	R 39.49	R 182.27	R 182.27	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27

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NATIONAL BARGAINING COUNCIL
for the Hairdressing - Cosmetology - Beauty & Skincare Industry

ANNEXURE "H13"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 115 BEING RUSTENBURG, BRITS, MANKWE (HARTBEESPOORT)- WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calc only (Changed to NMW less ER Pension Contribution)	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2067	Operator - Trainee	R 3,475.33	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.18	R 45.18	R 208.52	R 208.52	R 26.27	R 26.27
2068	Operator	R 4,815.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.61	R 62.61	R 288.95	R 288.95	R 26.27	R 26.27
2072	Operator - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2070	Operator - after 5 years	R 5,056.94	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.74	R 65.74	R 303.42	R 303.42	R 26.27	R 26.27
2074	Operator - Multi skilled	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 5,875.21	R 5,875.21	R 1,355.83	R 30.13	R 158.00	R 76.38	R 76.38	R 352.51	R 352.51	R 29.38	R 29.38
2078	Operator - Multi skilled - after 10 years	R 6,153.66	R 6,153.66	R 1,420.09	R 31.56	R 158.00	R 80.00	R 80.00	R 369.22	R 369.22	R 30.77	R 30.77
3042	Receptionist - Beauty Establishment	R 5,103.66	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.35	R 66.35	R 306.22	R 306.22	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 5,094.18	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.22	R 66.22	R 305.65	R 305.65	R 26.27	R 26.27
2084	Receptionist - Hairdressing salon - after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2086	Receptionist - Hairdressing salon - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3048	Somatologist 3 Years	R 4,649.80	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 60.45	R 60.45	R 278.99	R 278.99	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 4,929.87	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 64.09	R 64.09	R 295.79	R 295.79	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
1012	Specific Skilled Stylist	R 2,493.00	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.41	R 32.41	R 149.58	R 149.58	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 2,743.03	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.66	R 35.66	R 164.58	R 164.58	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,703.95	R 5,275.82	R 1,217.51	R 27.06	R 158.00	R 22.15	R 22.15	R 102.24	R 102.24	R 26.38	R 26.38
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 1,789.07	R 5,270.71	R 1,216.33	R 27.03	R 158.00	R 23.26	R 23.26	R 107.34	R 107.34	R 26.35	R 26.35
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 1,875.96	R 5,265.50	R 1,215.12	R 27.00	R 158.00	R 24.39	R 24.39	R 112.56	R 112.56	R 26.33	R 26.33
2089	Working Employer (in Salon with Staff)	R 7,062.07	R 7,062.07	R 1,629.72	R 36.22						R 105.93	

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NATIONAL BARGAINING COUNCIL
for the Hairdressing - Cosmetology - Beauty & Skincare Industry

ANNEXURE "H13"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 115 BEING RUSTENBURG, BRITS, MANKWE (HARTBEESPOORT)- WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage for SPF Calcualy	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
for Hairdressing, Cosmetology, Beauty & Skincare Industry

ANNEXURE "H14"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 116 BEING THE ENTIRE LIMPOPO PROVINCE - WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,855.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.12	R 37.12	R 171.31	R 171.31	R 26.27	R 26.27
2004	Barber - Junior	R 3,670.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.72	R 47.72	R 220.25	R 220.25	R 26.27	R 26.27
2006	Barber - Senior	R 6,004.86	R 6,004.86	R 1,385.75	R 30.79	R 158.00	R 78.06	R 78.06	R 360.29	R 360.29	R 30.02	R 30.02
3036	Beauty Technologist - Unqualified	R 1,628.05	R 5,280.38	R 1,218.56	R 27.08	R 158.00	R 21.16	R 21.16	R 97.68	R 97.68	R 26.40	R 26.40
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 3,967.84	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.58	R 51.58	R 238.07	R 238.07	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 4,429.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.58	R 57.58	R 265.75	R 265.75	R 26.27	R 26.27
3022	Salon Assistant	R 3,048.06	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.62	R 39.62	R 182.88	R 182.88	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
2012	General Assistant after 5 years	R 2,748.34	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.73	R 35.73	R 164.90	R 164.90	R 26.27	R 26.27
2014	General Assistant after 10 years	R 2,877.78	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.41	R 37.41	R 172.67	R 172.67	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 7,062.07	R 7,062.07	R 1,629.72	R 36.22	R 158.00	R 91.81	R 91.81	R 423.72	R 423.72	R 35.31	R 35.31
2024	Hairdresser - Qualified - after 5 years	R 7,413.63	R 7,413.63	R 1,710.85	R 38.02	R 158.00	R 96.38	R 96.38	R 444.82	R 444.82	R 37.07	R 37.07
2026	Hairdresser - Qualified - after 10 years	R 7,768.65	R 7,768.65	R 1,792.78	R 39.84	R 158.00	R 100.99	R 100.99	R 466.12	R 466.12	R 38.84	R 38.84
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 3,456.20	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 44.93	R 44.93	R 207.37	R 207.37	R 39.53	R 39.53
3032	Manager - Beauty	R 7,353.03	R 7,353.03	R 1,696.87	R 37.71	R 158.00	R 95.59	R 95.59	R 441.18	R 441.18	R 36.77	R 36.77
2060	Manager - Hairdresser	R 7,443.20	R 7,443.20	R 1,717.68	R 38.17	R 158.00	R 96.76	R 96.76	R 446.59	R 446.59	R 37.22	R 37.22
2062	Manager - Hairdresser after 5 years	R 7,815.68	R 7,815.68	R 1,803.63	R 40.08	R 158.00	R 101.60	R 101.60	R 468.94	R 468.94	R 39.08	R 39.08
2064	Manager - Hairdresser after 10 years	R 8,188.04	R 8,188.04	R 1,889.56	R 41.99	R 158.00	R 106.44	R 106.44	R 491.28	R 491.28	R 40.94	R 40.94
3030	Manager - only (Beauty Establishment)	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2054	Manager - only (Hairdressing)	R 6,179.77	R 6,179.77	R 1,426.11	R 31.69	R 158.00	R 80.34	R 80.34	R 370.79	R 370.79	R 30.90	R 30.90
2056	Manager - only (Hairdressing) after 5 years	R 6,489.54	R 6,489.54	R 1,497.60	R 33.28	R 158.00	R 84.36	R 84.36	R 389.37	R 389.37	R 32.45	R 32.45
2058	Manager - only (Hairdressing) after 10 years	R 6,797.55	R 6,797.55	R 1,568.68	R 34.86	R 158.00	R 88.37	R 88.37	R 407.85	R 407.85	R 33.99	R 33.99
3040	Nail technician - Unqualified	R 2,530.19	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.89	R 32.89	R 151.81	R 151.81	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,603.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.85	R 33.85	R 156.23	R 156.23	R 26.27	R 26.27
3038	Nail technician - Qualified	R 3,037.86	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.49	R 39.49	R 182.27	R 182.27	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27

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ANNEXURE "H14"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 116 BEING THE ENTIRE LIMPOPO PROVINCE - WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2067	Operator - Trainee	R 3,475.33	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.18	R 45.18	R 208.52	R 208.52	R 26.27	R 26.27
2068	Operator	R 4,815.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.61	R 62.61	R 288.95	R 288.95	R 26.27	R 26.27
2072	Operator - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2070	Operator - after 5 years	R 5,056.94	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.74	R 65.74	R 303.42	R 303.42	R 26.27	R 26.27
2074	Operator - Multi skilled	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 5,875.21	R 5,875.21	R 1,355.83	R 30.13	R 158.00	R 76.38	R 76.38	R 352.51	R 352.51	R 29.38	R 29.38
2078	Operator - Multi skilled - after 10 years	R 6,153.66	R 6,153.66	R 1,420.09	R 31.56	R 158.00	R 80.00	R 80.00	R 369.22	R 369.22	R 30.77	R 30.77
3042	Receptionist - Beauty Establishment	R 5,103.66	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.35	R 66.35	R 306.22	R 306.22	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 5,094.18	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.22	R 66.22	R 305.65	R 305.65	R 26.27	R 26.27
2084	Receptionist - Hairdressing salon - after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2086	Receptionist - Hairdressing salon - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3048	Somatologist 3 Years	R 4,649.80	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 60.45	R 60.45	R 278.99	R 278.99	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 4,929.87	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 64.09	R 64.09	R 295.79	R 295.79	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
1012	Specific Skilled Stylist	R 2,493.00	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.41	R 32.41	R 149.58	R 149.58	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 2,743.03	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.66	R 35.66	R 164.58	R 164.58	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,703.95	R 5,275.82	R 1,217.51	R 27.06	R 158.00	R 22.15	R 22.15	R 102.24	R 102.24	R 26.38	R 26.38
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ANNEXURE "H14"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 116 BEING THE ENTIRE LIMPOPO PROVINCE - WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less ER Pension Contribution

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NOTES

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UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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NATIONAL BARGAINING COUNCIL
for the Hairdressing • Cosmetology • Beauty & Skincare Industry

ANNEXURE "H15"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE DIVISION 117 BEING MPUMALANGA PROVINCE - WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,855.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.12	R 37.12	R 171.31	R 171.31	R 26.27	R 26.27
2004	Barber - Junior	R 3,670.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.72	R 47.72	R 220.25	R 220.25	R 26.27	R 26.27
2006	Barber - Senior	R 6,004.86	R 6,004.86	R 1,385.75	R 30.79	R 158.00	R 78.06	R 78.06	R 360.29	R 360.29	R 30.02	R 30.02
3036	Beauty Technologist - Unqualified	R 1,628.05	R 5,280.38	R 1,218.56	R 27.08	R 158.00	R 21.16	R 21.16	R 97.68	R 97.68	R 26.40	R 26.40
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 3,967.84	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.58	R 51.58	R 238.07	R 238.07	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 4,429.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.58	R 57.58	R 265.75	R 265.75	R 26.27	R 26.27
3022	Salon Assistant	R 3,048.06	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.62	R 39.62	R 182.88	R 182.88	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
2012	General Assistant after 5 years	R 2,748.34	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.73	R 35.73	R 164.90	R 164.90	R 26.27	R 26.27
2014	General Assistant after 10 years	R 2,877.78	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.41	R 37.41	R 172.67	R 172.67	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 7,062.07	R 7,062.07	R 1,629.72	R 36.22	R 158.00	R 91.81	R 91.81	R 423.72	R 423.72	R 35.31	R 35.31
2024	Hairdresser - Qualified - after 5 years	R 7,413.63	R 7,413.63	R 1,710.85	R 38.02	R 158.00	R 96.38	R 96.38	R 444.82	R 444.82	R 37.07	R 37.07
2026	Hairdresser - Qualified - after 10 years	R 7,768.65	R 7,768.65	R 1,792.78	R 39.84	R 158.00	R 100.99	R 100.99	R 466.12	R 466.12	R 38.84	R 38.84
2046	LEARNER -- Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER -- Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER -- Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER -- Level 4	R 3,456.20	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 44.93	R 44.93	R 207.37	R 207.37	R 39.53	R 39.53
3032	Manager - Beauty	R 7,353.03	R 7,353.03	R 1,696.87	R 37.71	R 158.00	R 95.59	R 95.59	R 441.18	R 441.18	R 36.77	R 36.77
2060	Manager - Hairdresser	R 7,443.20	R 7,443.20	R 1,717.68	R 38.17	R 158.00	R 96.76	R 96.76	R 446.59	R 446.59	R 37.22	R 37.22
2062	Manager - Hairdresser after 5 years	R 7,815.68	R 7,815.68	R 1,803.63	R 40.08	R 158.00	R 101.60	R 101.60	R 468.94	R 468.94	R 39.08	R 39.08
2064	Manager - Hairdresser after 10 years	R 8,188.04	R 8,188.04	R 1,889.56	R 41.99	R 158.00	R 106.44	R 106.44	R 491.28	R 491.28	R 40.94	R 40.94
3030	Manager - only (Beauty Establishment)	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2054	Manager - only (Hairdressing)	R 6,179.77	R 6,179.77	R 1,426.11	R 31.69	R 158.00	R 80.34	R 80.34	R 370.79	R 370.79	R 30.90	R 30.90
2056	Manager - only (Hairdressing) after 5 years	R 6,489.54	R 6,489.54	R 1,497.60	R 33.28	R 158.00	R 84.36	R 84.36	R 389.37	R 389.37	R 32.45	R 32.45
2058	Manager - only (Hairdressing) after 10 years	R 6,797.55	R 6,797.55	R 1,568.68	R 34.86	R 158.00	R 88.37	R 88.37	R 407.85	R 407.85	R 33.99	R 33.99
3040	Nail technician - Unqualified	R 2,530.19	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.89	R 32.89	R 151.81	R 151.81	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,603.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.85	R 33.85	R 156.23	R 156.23	R 26.27	R 26.27
3038	Nail technician - Qualified	R 3,037.86	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.49	R 39.49	R 182.27	R 182.27	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H15"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE DIVISION 117 BEING MPUMALANGA PROVINCE - WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2067	Operator - Trainee	R 3,475.33	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.18	R 45.18	R 208.52	R 208.52	R 26.27	R 26.27
2068	Operator	R 4,815.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.61	R 62.61	R 288.95	R 288.95	R 26.27	R 26.27
2072	Operator - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2070	Operator - after 5 years	R 5,056.94	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.74	R 65.74	R 303.42	R 303.42	R 26.27	R 26.27
2074	Operator - Multi skilled	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 5,875.21	R 5,875.21	R 1,355.83	R 30.13	R 158.00	R 76.38	R 76.38	R 352.51	R 352.51	R 29.38	R 29.38
2078	Operator - Multi skilled - after 10 years	R 6,153.66	R 6,153.66	R 1,420.09	R 31.56	R 158.00	R 80.00	R 80.00	R 369.22	R 369.22	R 30.77	R 30.77
3042	Receptionist - Beauty Establishment	R 5,103.66	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.35	R 66.35	R 306.22	R 306.22	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 5,094.18	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.22	R 66.22	R 305.65	R 305.65	R 26.27	R 26.27
2084	Receptionist - Hairdressing salon - after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2086	Receptionist - Hairdressing salon - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3048	Somatologist 3 Years	R 4,649.80	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 60.45	R 60.45	R 278.99	R 278.99	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 4,929.87	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 64.09	R 64.09	R 295.79	R 295.79	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
1012	Specific Skilled Stylist	R 2,493.00	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.41	R 32.41	R 149.58	R 149.58	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 2,743.03	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.66	R 35.66	R 164.58	R 164.58	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,703.95	R 5,275.82	R 1,217.51	R 27.06	R 158.00	R 22.15	R 22.15	R 102.24	R 102.24	R 26.38	R 26.38
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 1,789.07	R 5,270.71	R 1,216.33	R 27.03	R 158.00	R 23.26	R 23.26	R 107.34	R 107.34	R 26.35	R 26.35
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 1,875.96	R 5,265.50	R 1,215.12	R 27.00	R 158.00	R 24.39	R 24.39	R 112.56	R 112.56	R 26.33	R 26.33
2089	Working Employer (in Salon with Staff)	R 7,062.07	R 7,062.07	R 1,629.72	R 36.22						R 105.93	

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NATIONAL BARGAINING COUNCIL
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ANNEXURE "H15"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE DIVISION 117 BEING MPUMALANGA PROVINCE - WORKING 45 HOURS

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less ER Pension Contribution

Work Code	Work Code Description	2024 Salary Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage

NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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ANNEXURE "H16"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 106 BEING THE ENTIRE WESTERN CAPE (EXCLUDING THE MAGISTERIAL DISTRICTS OF CAPE TOWN, WYNBERG, SIMONSTAD AND BELVILLE)

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less pension Contribution

Work Code	Work Code Description	2024 Salary - Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
3089	Aesthetic Therapist	R 8,291.56	R 8,291.56	R 1,913.45	R 42.52	R 158.00	R 107.79	R 107.79	R 497.49	R 497.49	R 41.46	R 41.46
2002	Barber - Trainee	R 2,855.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.12	R 37.12	R 171.31	R 171.31	R 26.27	R 26.27
2004	Barber - Junior	R 3,670.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 47.72	R 47.72	R 220.25	R 220.25	R 26.27	R 26.27
2006	Barber - Senior	R 6,004.86	R 6,004.86	R 1,385.75	R 30.79	R 158.00	R 78.06	R 78.06	R 360.29	R 360.29	R 30.02	R 30.02
3036	Beauty Technologist - Unqualified	R 1,628.05	R 5,280.38	R 1,218.56	R 27.08	R 158.00	R 21.16	R 21.16	R 97.68	R 97.68	R 26.40	R 26.40
3034	Beauty Technologist - Qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3020	Beauty and Skincare Therapist - Unqualified	R 3,967.84	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 51.58	R 51.58	R 238.07	R 238.07	R 26.27	R 26.27
3014	Beauty and Skincare Therapist	R 4,429.09	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 57.58	R 57.58	R 265.75	R 265.75	R 26.27	R 26.27
3022	Salon Assistant	R 3,048.06	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.62	R 39.62	R 182.88	R 182.88	R 26.27	R 26.27
4018	Drybar Worker	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27
2010	General Assistant	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
2012	General Assistant after 5 years	R 2,748.34	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.73	R 35.73	R 164.90	R 164.90	R 26.27	R 26.27
2014	General Assistant after 10 years	R 2,877.78	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 37.41	R 37.41	R 172.67	R 172.67	R 26.27	R 26.27
2020	Hairdresser - 1st year after qualified	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2022	Hairdresser - Qualified	R 7,062.07	R 7,062.07	R 1,629.72	R 36.22	R 158.00	R 91.81	R 91.81	R 423.72	R 423.72	R 35.31	R 35.31
2024	Hairdresser - Qualified - after 5 years	R 7,413.63	R 7,413.63	R 1,710.85	R 38.02	R 158.00	R 96.38	R 96.38	R 444.82	R 444.82	R 37.07	R 37.07
2026	Hairdresser - Qualified - after 10 years	R 7,768.65	R 7,768.65	R 1,792.78	R 39.84	R 158.00	R 100.99	R 100.99	R 466.12	R 466.12	R 38.84	R 38.84
2046	LEARNER – Entry Level	R -	R 1,798.62	R 415.07	R 9.22	R 158.00	R -	R -	R -	R -	R 8.99	R 8.99
2048	LEARNER – Level 2	R -	R 3,597.03	R 830.09	R 18.45	R 158.00	R -	R -	R -	R -	R 17.99	R 17.99
2050	LEARNER – Level 3	R -	R 5,545.58	R 1,279.76	R 28.44	R 158.00	R -	R -	R -	R -	R 27.73	R 27.73
2052	LEARNER – Level 4	R 3,456.20	R 7,906.95	R 1,824.69	R 40.55	R 158.00	R 44.93	R 44.93	R 207.37	R 207.37	R 39.53	R 39.53
3032	Manager - Beauty	R 7,353.03	R 7,353.03	R 1,696.87	R 37.71	R 158.00	R 95.59	R 95.59	R 441.18	R 441.18	R 36.77	R 36.77
2060	Manager - Hairdresser	R 7,443.20	R 7,443.20	R 1,717.68	R 38.17	R 158.00	R 96.76	R 96.76	R 446.59	R 446.59	R 37.22	R 37.22
2062	Manager - Hairdresser after 5 years	R 7,815.68	R 7,815.68	R 1,803.63	R 40.08	R 158.00	R 101.60	R 101.60	R 468.94	R 468.94	R 39.08	R 39.08
2064	Manager - Hairdresser after 10 years	R 8,188.04	R 8,188.04	R 1,889.56	R 41.99	R 158.00	R 106.44	R 106.44	R 491.28	R 491.28	R 40.94	R 40.94
3030	Manager - only (Beauty Establishment)	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2054	Manager - only (Hairdressing)	R 6,179.77	R 6,179.77	R 1,426.11	R 31.69	R 158.00	R 80.34	R 80.34	R 370.79	R 370.79	R 30.90	R 30.90
2056	Manager - only (Hairdressing) after 5 years	R 6,489.54	R 6,489.54	R 1,497.60	R 33.28	R 158.00	R 84.36	R 84.36	R 389.37	R 389.37	R 32.45	R 32.45
2058	Manager - only (Hairdressing) after 10 years	R 6,797.55	R 6,797.55	R 1,568.68	R 34.86	R 158.00	R 88.37	R 88.37	R 407.85	R 407.85	R 33.99	R 33.99
3040	Nail technician - Unqualified	R 2,530.19	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.89	R 32.89	R 151.81	R 151.81	R 26.27	R 26.27
3084	Nail Technician - Certified	R 2,603.89	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 33.85	R 33.85	R 156.23	R 156.23	R 26.27	R 26.27
3038	Nail technician - Qualified	R 3,037.86	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 39.49	R 39.49	R 182.27	R 182.27	R 26.27	R 26.27
3088	Massage Therapist - entry level	R 2,634.23	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.24	R 34.24	R 158.05	R 158.05	R 26.27	R 26.27
3087	Massage Therapist	R 4,887.63	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 63.54	R 63.54	R 293.26	R 293.26	R 26.27	R 26.27

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NATIONAL BARGAINING COUNCIL
for the Hairdressing - Cosmetology - Beauty & Skincare Industry

ANNEXURE "H16"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 106 BEING THE ENTIRE WESTERN CAPE (EXCLUDING THE MAGISTERIAL DISTRICTS OF CAPE TOWN, WYNBERG, SIMONSTAD AND BELVILLE)

EOHCB Subscriptions	See Annexure C
Bargaining Levy	See Annexure C

Changed to NMW 2024 less pension Contribution

Work Code	Work Code Description	2024 Salary/ Contribution Wage - Pension Fund and Council Fees	2024 Prescribed Wage - for SPF Calc only	2024 Weekly Rate	2024 Hourly Rate - 45h/Per week	2024 Union Fee	BC Fee ER - 1.3% of Contributing Wage	BC Fee EE - 1.3% of Contributing Wage	2024 National Pension Fund (ER) - Contributing Wage	2024 National Pension Fund (EE) - Contributing Wage	2024 National SPF Employer based on Minimum Wage	2024 National SPF Employee based on Minimum Wage
2067	Operator - Trainee	R 3,475.33	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 45.18	R 45.18	R 208.52	R 208.52	R 26.27	R 26.27
2068	Operator	R 4,815.81	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 62.61	R 62.61	R 288.95	R 288.95	R 26.27	R 26.27
2072	Operator - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2070	Operator - after 5 years	R 5,056.94	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 65.74	R 65.74	R 303.42	R 303.42	R 26.27	R 26.27
2074	Operator - Multi skilled	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2076	Operator - Multi skilled - after 5 years	R 5,875.21	R 5,875.21	R 1,355.83	R 30.13	R 158.00	R 76.38	R 76.38	R 352.51	R 352.51	R 29.38	R 29.38
2078	Operator - Multi skilled - after 10 years	R 6,153.66	R 6,153.66	R 1,420.09	R 31.56	R 158.00	R 80.00	R 80.00	R 369.22	R 369.22	R 30.77	R 30.77
3042	Receptionist - Beauty Establishment	R 5,103.66	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.35	R 66.35	R 306.22	R 306.22	R 26.27	R 26.27
2082	Receptionist - Hairdressing salon	R 5,094.18	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 66.22	R 66.22	R 305.65	R 305.65	R 26.27	R 26.27
2084	Receptionist - Hairdressing salon - after 5 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
2086	Receptionist - Hairdressing salon - after 10 years	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
3048	Somatologist 3 Years	R 4,649.80	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 60.45	R 60.45	R 278.99	R 278.99	R 26.27	R 26.27
3052	Somatologist B Tech - 4 years	R 4,929.87	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 64.09	R 64.09	R 295.79	R 295.79	R 26.27	R 26.27
3054	Somatologist - B Tech Laser	R 5,254.27	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 68.31	R 68.31	R 315.26	R 315.26	R 26.27	R 26.27
1012	Specific Skilled Stylist	R 2,493.00	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 32.41	R 32.41	R 149.58	R 149.58	R 26.27	R 26.27
1014	Specific Skilled Stylist - after 5 years	R 2,617.14	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 34.02	R 34.02	R 157.03	R 157.03	R 26.27	R 26.27
1016	Specific Skilled Stylist - after 10 years	R 2,743.03	R 5,254.27	R 1,212.53	R 26.95	R 158.00	R 35.66	R 35.66	R 164.58	R 164.58	R 26.27	R 26.27
1000	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting	R 1,703.95	R 5,275.82	R 1,217.51	R 27.06	R 158.00	R 22.15	R 22.15	R 102.24	R 102.24	R 26.38	R 26.38
1002	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 5 years	R 1,789.07	R 5,270.71	R 1,216.33	R 27.03	R 158.00	R 23.26	R 23.26	R 107.34	R 107.34	R 26.35	R 26.35
1004	Specific Skilled Stylist - doing only one of the following: Braiding, Platting, Cutting after 10 years	R 1,875.96	R 5,265.50	R 1,215.12	R 27.00	R 158.00	R 24.39	R 24.39	R 112.56	R 112.56	R 26.33	R 26.33
2089	Working Employer (in Salon with Staff)	R 7,062.07	R 7,062.07	R 1,629.72	R 36.22						R 105.93	

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NATIONAL BARGAINING COUNCIL
for the Hairdressing - Cosmetology - Beauty & Skincare Industry

ANNEXURE "H16"

REMUNERATION/BASIC SALARY/WAGE AND CONTRIBUTION SCHEDULE HAIRDRESSING COSMETOLOGY BEAUTY AND SKINCARE FOR DIVISION 106 BEING THE ENTIRE WESTERN CAPE (EXCLUDING THE MAGISTERIAL DISTRICTS OF CAPE TOWN, WYNBERG, SIMONSTAD AND BELVILLE)

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Changed to NMW 2024 less pension Contribution

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NOTES

CASUAL EMPLOYEE	An employee who substitutes for any permanent employee who is sick or on leave Remuneration / Basic Salary / Wages shall be calculated at the prescribed HOURLY rate for that category of employment
PART TIME EMPLOYEE	An employee who works 1 or 2 or 3 or 4 days per week Remuneration / Basic Salary / Wages shall be calculated at the prescribed **HOURLY** rate for that category of employment Should the Council not receive the lower calculated salary from the Employer (Salon owner), then the salary of the Full Time position for that Job Category will apply. If received, then the deductions will be changed accordingly to the lower amount for the actual amount of days worked and not the full amount of days worked.
WORKING EMPLOYERS	Contributions for a Working Employer (Work Code 2089), is voluntary for SPF from 1 January 2017
PENSION FUND	Pension Fund Contributions to be paid by all Employees will be 6% of the Basic Salary of the Employee. Contributions payable by all Employers will be 6% of the Basic Salary of the Employee.
DAILY RATE CALCULATION	Basic Salary / Wage divided by 4.3333 divided by 45 = HOURLY Rate multiply by hours worked on the day
ABBREVIATION DESCRIPTIONS	BC = Bargaining Council EE = Employee ER = Employer SBF = Sick Benefit Fund SPF = Sick Pay Fund
LEARNERS	Learners to also include any apprentices
UNION FEE / AGENCY FEE	Union Members: Union Fee equates to **R 158.00** per month per member. For members who join UASA after the age of 60, the Union Fee equates to **R 129.00** per month per member (Excluding the funeral benefit) Non- Union Members: Non-Union members pays an Agency Fee equal to the Union membership fees currently **R 158.00** per person per month but with no UASA benefits.
2024 Hourly Rate - Minimum Wage 45h/Per week	The minimum wage and learnership allowances prescribed by the National Minimum Wage (NMW) Commission are calculated taking into account the Employer's Pension Fund contributions. Salary scales and learnership allowances that are based on the prescribed minima may include an hourly rate or weekly rate that is less than the amount of the NMW as the Pension Fund contribution of the Employer is factored into the calculation. The hourly rate or weekly allowance plus the employer portion of the Pension Fund contribution together, may not be less than the minima prescribed by the NMW Commission.
2025 Amendments	* Kindly note that this schedule will be amended wef 01 Jan 2025 as follows: - Wages/Salaries - 6% increase (subject to CPI not exceeding or falling below 6% by 2%) - Council fees for all areas will be 1.3% * NMW adjustments which usually take place wef 01 March

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ANNEXURE "I"

RULES OF SICK PAY FUND

1. **Introduction**

1.1 The National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry (*"the Bargaining Council"*) is a Bargaining Council duly established as such in accordance with the provisions of section 27 of the Labour Relations Act, Act 66 of 1995, as amended (*"the Act"*).

1.2 In accordance with the provisions of section 28(1)(g) of the Act, the Bargaining Council has the power to establish and administer funds for the benefit of one or more of the parties to the Bargaining Council or their members.

1.3 The SPF is a fund that is being administered by the Bargaining Council.

1.4 Definitions as contained in the collective agreement of the Bargaining Council shall *mutatis mutandis* apply herein.

2. **Name**

2.1 The name of the Fund is the National Sick Pay Fund for Hairdressing, Cosmetology, Beauty and Skincare (*"the SPF"*).

3. **Management**

3.1 The SPF will be managed by a Management Committee *("the Management Committee")* established by the Board of the Bargaining Council *("the Board")*, in accordance with the provisions of these rules.

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4. **Membership**

4.1 Employees, in the Hairdressing, Cosmetology, Beauty and Skincare Industry *("the Industry")* shall be members of the SPF. Working employers and Legal owners (insofar as a Legal owner is a natural person) may be members of the SPF *("the members")*.

4.2 Membership to the SPF shall be:-

4.2.1. voluntary for the Employees that resort under the Pretoria and Cape Peninsula regions of the Bargaining Council, up to and including the 31st of December 2016;

4.2.2. compulsory for all Employees that resort under the Semi-National and KwaZulu-Natal regions of the Bargaining Council as from the 1st of January 2016;

4.2.3. compulsory for all Employees as from the 1st of January 2017.

4.3 A member will register with the SPF by submitting a duly completed application for membership in the prescribed form to the SPF recording, amongst others, the member's personal details.

5. **Claiming against the SPF**

5.1. For purposes of instituting a claim against the SPF and elsewhere in these rules "basic salary" or "wage" shall mean the basic salary or wage on which the member's contribution to the SPF is calculated and paid in accordance with the provisions of paragraph 7 below.

5.2 A claim may be instituted by a member against the SPF for payment of the basic salary or wage in respect of such member for a period of time that a member is

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absent from work due to any medical condition, examination or procedure, for which a member has proof of absence for a day or more ("*the payment period*").

5.3 For purposes of this clause 5.3 a distinction is made between the minimum basic salary or wage as recorded in the schedules to the collective agreement of the Bargaining Council *("the prescribed minimum")* and the basic salary or wage that is actually paid to the member *("the actual basic salary or wage")*. Should a member`s contribution be calculated and paid on the actual Basic salary or Wage, the member shall be entitled to claim the actual Basic salary or Wage for the payment period, subject to the member`s contribution on the actual Basic salary or Wage having been paid to the SPF on at least 3 (three) consecutive occasions, immediately prior to the claim being instituted. Should a claim be instituted during the 3-month waiting period, the claim will be paid on either the prescribed minimum or the actual Basic salary or Wage on which the member contributed prior to the 3-month waiting period, as the case may be. Nothing contained in this paragraph 5.3 shall deteriorate from the right or prohibit a member to claim from his or her Employer, the balance between the amount claimed (and received) from the SPF and the actual basic Salary or Wage, in the event of the contributions to the SPF being made on the prescribed minimum, but such member receiving a wage in excess of the prescribed minimum.

5.4. The payment period shall be limited to:

5.4.1. 33 (thirty-three) days in a 3 (three) year cycle for being absent from the workplace for any period of time less than 6 (six) days *("the six day period")*; and

5.4.2. 33 (thirty-three) days in a 3 (three) year cycle for being absent from the workplace for a continued period of 7 (seven) days and more *("the seven day period")*.

("the payment cycle").

5.5. The following shall apply to the payment cycle:

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5.5.1. A member shall be able to transfer 3 days from the 6-day period to the 7-day period, or vice versa;

5.5.2. a member may claim against the SPF during any part of the payment cycle, limited to the number of days set forth in clause 5.3 above.

5.6 A member will only be able to institute a claim against the SPF during the payment period, if:-

5.6.1. the member is in possession of a medical certificate issued by a registered medical practitioner, a registered nurse or registered traditional healer ("*the practitioner*"), clearly stating: -

5.6.1.1. the name, address and capacity of the practitioner issuing the medical certificate;

5.6.1.2. the date upon which the member consulted with the practitioner;

5.6.1.3. the period that the member will be absent from work due to the illness.

5.6.2 the provisions of paragraph 5.6.1 will not apply if the member has been absent from work for less than 2 consecutive days or less than 2 occasions (for 2 consecutive days and less) during an 8-week period.

5.7. The SPF may, if necessary, communicate with and call on the practitioner to amplify or clarify any aspect mentioned on the medical certificate or, in its sole and absolute discretion, refer the member to a practitioner of its own choice and at its own costs, to verify the medical condition, examination or medical procedure, or duration thereof, mentioned on the medical certificate. No claim shall be paid until such time that the SPF has finalised its own investigation as envisaged in this clause, should it elect to do so.

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5.8 A claim against the SPF shall be calculated on the basis of the lesser of:-

5.8.1. the duration for which the member is absent from work due to any medical condition, examination or procedure; or

5.8.2. the duration that the member may be absent from work due to any medical condition, examination or procedure, as indicated on the medical certificate.

5.9. Notwithstanding anything contained in these rules to the contrary, the Bargaining Council, in its sole and absolute discretion may refuse or repudiate any claim made by a member against the SPF.

5.10 The provisions of this clause 5.10, shall apply to any virus or illness that has been declared either an epidemic or pandemic by the World Health Organisation or a similar authority, having the authority to do so ("*the virus*"). Notwithstanding anything to the contrary contained in these rules, the provisions of this clause 5.10 shall only apply in respect of a claim that is instituted as a result of the virus ("*a virus claim*"), being:

5.10.1 a virus claim shall be limited to the following payment period, being:

5.10.1.1 (ten) days in respect of the 6-day payment period, as contemplated in clause 5.4.1 above; and

5.10.1.2 23 (twenty-three) days in respect of the 7-day payment period, as contemplated in clause 5.4.2 above.

5.10.2 the 10 (ten) days forming part of the 6-day period and the 23 (twenty-three) days forming part of the 7-day period, will be included in the number of days recorded in respectively clauses 5.4.1 and 5.4.2 above and shall not be additional thereto;

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5.10.3 the provisions of clauses 5.6 and 5.7 will apply *mutatis mutandis* in respect of a virus claim;

5.10.4 the following calculation will be used in order to determine the payment period in respect of a virus claim, being:

5.10.4.1 in respect of the 6-day period: the remaining days available to the member within the payment cycle x 10 (ten) days, divided by 33 days; and

5.10.4.2 in respect of the 7-day period: the remaining days available to the member within the payment cycle x 23 (twenty-three) days, divided by 33 days.

5.10.5 a virus claim shall be limited to the number of days indicated on the medical certificate submitted and further subject to the provisions of clauses 5.10.1, 5.10.2 and 5.10.4 above; and

5.10.6 nothing contained in this clause 5.10 shall limit a member's right to claim any shortfall, not paid by the SPF relating to a virus claim, from the Unemployment Insurance Fund (if applicable).

6. Benefits

6.1. Any Medical Condition, Examination or Procedure

6.1.1. A member may claim the basic salary or wage from the SPF for the period absent from work due to any medical condition, examination or procedure, within the payment period.

6.2. Maternity benefit

6.2.1. Female members of the SPF may institute a claim against the SPF for a maternity benefit which will be limited to: -

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6.2.1.1. 30% (thirty percent) of the monthly basic salary or wage of a female member;

6.2.1.2. a period of 4 (four) months;

6.2.1.3. no more than 4 (four) children.

6.2 2. the following provision shall apply to a claim in respect of a maternity benefit:

6.2.2.1 the female member shall only be entitled to claim the maternity benefit upon the child being born;

6.2.2.2 the full maternity benefit will be paid by means of a once-off payment, calculated in accordance with the provisions of clause 6.2.1;

6.2.2.3. should a child be stillborn, the 4 (four) month period as envisaged in clause 6.2.1.2 above will be limited to 2 (two) months, unless the Bargaining Council is favoured with a written motivation by a Psychologist or a Medical Practitioner justifying an increased period of absence, in which event the Bargaining Council may, in its sole and absolute discretion, increase the period, which period will not exceed the 4 (four) months. For purposes of this clause 6.2.2.3 "stillborn" is defined as a child that is delivered after 24 (twenty-four) weeks and weighs less than 500 (five hundred) grams.

6.2.2.4 nothing contained in these rules shall be construed as to limit any female member claiming a maternity benefit, from not being able to also claim a maternity or other benefit during the payment period, from any other source, whatsoever.

6.2.2.5 a female member may only claim against the SPF for a maternity benefit after being a contributing member thereto for a continuous

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period of 12 (twelve) months i.e. if the child is born after the 12 (twelve) month period.

7. Contributions to SPF

7.1. The following contributions shall be made to the SPF:

7.1.1. Employer: an Employer that employs a member of the SPF shall contribute an amount equal to what is agreed by the parties to the Bargaining Council, from time to time, of the Employee's monthly basic salary or wage, to the SPF *("the Employer's contribution")*

7.1.2. Employee: an Employee who is a member of the SPF shall contribute an amount equal to what is agreed by the parties to the Bargaining Council, from time to time, of the applicable Basic salary or wages, to the SPF ("*the Employee's contribution*");

7.1.3. Working Employer: a Working Employer that is a member of the SPF shall contribute an amount equal to what is agreed by the parties to the Bargaining Council, from time to time, of the monthly Basic salary or wage of a qualified stylist, which shall be determined by the Basic salary or wage of the area in which the Working Employer operates an Establishment ("*the Working Employer's contribution*");

7.1.4. a Legal Owner that is a member of the SPF shall contribute an amount equal to what is agreed by the parties to the Bargaining Council, from time to time, of the Basic salary or wage of a qualified stylist, which shall be determined by the Basic salary or wage of a Qualified Stylist in the area in which the Working Employer operates an Establishment ("*the Legal Owner contribution*").

7.2. The Contribution recorded in clause 7.1 above, shall be due and payable to the SPF, on a monthly basis.

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7.3. An Employer, Working Employer and Legal owner, as the case may be, shall by no later than the seventh day of the month following the month in respect of which the payment is due, pay to the Bargaining Council the Employer's contribution, Employee's contribution, Working Employer's contribution or Legal Owner's contribution.

8. Procedure to institute claim against SPF

8.1. Any claim against the SPF shall be submitted by no later than 90 (ninety) days after the date upon which any medical condition, examination or procedure occurs.

8.2. The Bargaining Council may grant condonation for a claim being institute outside the period stated in clause 8.1 above.

8.3. A claim against the SPF shall be submitted in the following manner and form:-

8.3.1. on the claim form attached to these rules, duly completed;

8.3.2. be accompanied by:

8.3.2.1. the original or certified copy of the medical certificate and bank account statement;

8.3.2.2. a certified copy of the member's identity document, only id no copy of the identity document is available on the Council's system;

8.3.2.3. written confirmation of the Employer, Working Employer or Legal Owner, stating the period of absence;

8.3.2.4. a birth certificate of the child born in the event of a female member claiming a maternity benefit.

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8.4. The claim form duly completed together with the supporting documents recorded in the clause 8.3 above, shall be submitted to the SPF by hand, e-mail, facsimile or registered mail.

8.5. In the event of a member claiming for the SPF on more than one occasion in any calendar year, the documents to be submitted by the member shall be limited to the duly completed claim form and the original or certified copy of the medical certificate.

8.6. Any claim instituted against the SPF which:-

8.6.1. is submitted on a claim form which is not duly completed or is illegible;

8.6.2. is not accompanied by any of the aforesaid supporting documentation;

8.6.3. the medical certificate or any part thereof is blank or illegible will not be processed.

8.7. The SPF will execute its best endeavours to make payment to the member in respect of a claim instituted, on the member's usual payday following the claim being submitted, or the date upon which the member has fully complied with the requirements as set forth in clause 8.3 above, whichever is the later.

9. Compliance with collective agreement

9.1. A member will have no claim against the SPF if his or her employer is in arrears in respect of any of the employer's contribution or member's contribution, to the SPF.

9.2. The provisions of paragraph 9.1 will not detract from an employee's right to claim from his or her employer payment for sick leave, during any time of absence from work due to illness or injury.

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9.3. A member who is disqualified from claiming from the SPF by virtue of his or her employer being in arrears with the employer's contribution shall, without delay, notify the Bargaining Council of such failure on the part of his or her employer, to enable the Bargaining Council to compel compliance with the provisions of these rules.

9.4. The disqualification contemplated in paragraph 9.1 shall not apply in the circumstances where an employer is able to prove that both the employer's contributions and member's contributions were made but, due to an administrative error or oversight, the contributions were not correctly recorded or allocated, by the Bargaining Council.

9.5. Should application be made by any person to be exempt from the provisions of the collective agreement or these rules, the exemption will only apply as from the date upon which the Exemption Board hands down its decision to grant exemption.

10. Special provisions relating to membership

10.1. Should a Working Employer or a Legal Owner become a member of the SPF at any time prior to the 1st of January 2017, a 8 (eight) month waiting period will be applicable i.e. the SPF will not entertain any claim instituted by a Working Employer or a Legal Owner against the SPF within a period of 8 (eight) months after becoming a member and any claim instituted thereafter up and to including the 31st of December 2016, will be paid out pro-rata to the number of months that the Working Employer or Legal Owner has been a member of the SPF.

11. Administration

11.1. The Management Committee will be appointed by the Board at the Board's Annual General Meeting ("*AGM*").

11.2. The Management Committee shall consist of the Chairperson and Vice-chairperson of the Board, 2 (two) Representatives nominated by the Employer party to the Bargaining Council and 2 (two) Representatives, nominated by the Employee party

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to the Bargaining Council and the Chief Executive Officer of the Bargaining Council. The Chief Executive Officer (Ex-Officio member) of the Bargaining Council shall have no voting powers on the Management Committee.

11.3. Each of the parties to the Council shall appoint, for the Chairperson, Vice-chairperson positions and Representatives alternates, from the pool of alternatives, nominated by the parties to the Council Board.

11.4. The Management committee shall appoint from among them, a Chairperson and Vice-chairperson, which may differ from the Chairperson and Vice- chairperson of the Board. The term of office of the Chairperson, Vice-chairperson and Representatives (and their Alternates) serving on the Management Committee shall be the same term as the Chairperson and Vice-chairperson appointment to the Board and shall terminate upon such date that the Chairperson and Vice-chairperson`s appointment to the Board, terminates.

11.5. The Chairperson, Vice-chairperson or a Representative of the Management Committee may resign as such by furnishing the Board with 30 (thirty) calendar days of his / her intention to do so.

11.6. The Chairperson, Vice-chairperson or a Representative of the Management Committee's appointment as such may be terminated by a decision of the Board. Should the Chairperson`s appointment be terminated in terms of this clause 11.6, the Vice-chairperson shall take over the responsibilities of the Chairperson for the remainder of the term set-forth in clause 11.4 above. In such event the representatives to the Management Committee shall appoint a new Vice-chairperson from amongst them for the remainder of such term.

11.7. In the event of a Representative of the Management Committee resigning or his / her appointment as such being terminated, the Representative's, Alternate will replace the person so resigning or appointment being terminated, to the Management Committee.

11.8. All resolutions by the Management Committee shall be passed with a majority vote.

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11.9. The Bargaining Council will consider and authorise claims instituted by members against the SPF.

11.10. The Management Committee, mandated by the parties to the Bargaining Council, shall have the power to make and alter rules governing the SPF

11.11. Any disputes emanating from the Bargaining Council refusing, repudiating or partly refusing or partly repudiating any claim instituted against the SPF by a member or any dispute as to the interpretation, meaning, intention or provisions of these rules shall be resolved as follows:-

11.11.1. a person aggrieved by the decision of the Bargaining Council may lodge an appeal to the Management Committee; (as per the prescribed Appeal Form)

11.11.2. all appeals shall be lodged within 14 (fourteen) days as from the date upon which the Bargaining Council's decision has been made available and shall be heard by the Management Committee within 120 (hundred and twenty) days of being lodged.

11.11.3. any appeal shall be in writing and shall contain the following:-

11.11.3.1. grounds of appeal;

11.11.3.2. all supporting documentation which will be used in support of the appeal;

11.11.3.3. any other relevant information or documentation that may assist the Management Committee to arrive at a conclusion.

11.11.4. an appeal, in the sole and absolute discretion of the Management Committee, may be amplified by oral argument;

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11.11.5. The Management Committee's finding on appeal shall be in writing and shall be made available to the person lodging such appeal within 14 (fourteen) days from such appeal being heard. The Management Committee's finding on appeal shall be final and binding.

11.12. All expenses incurred in connection with the administration of the SPF shall be a charge against the SPF. The Management Committee shall have the power to appoint committees or sub-committees to delegate to such sub-committees such powers as are not inconsistent with the collective agreement or these rules.

11.13. The Management Committee may cause to:-

11.13.1. open a bank account/s for retaining members contributions;

11.13.2. invest funds of the SPF not immediately required to meet any claims or charges from time to time which includes, but will not be limited to, investing in immovable property;

11.13.3. from time to time borrow and/or obtain an overdraft from any bank or financial institution for such sum of money required for purposes of meeting its obligations as envisaged in these rules.

11.14. The Management Committee`s powers as set forth in clause 11.13 above shall be limited to the extent that only the Board may elect:

11.14.1. at which financial institutions a bank account/s may be opened;

11.14.2. by which broker and where funds of the SPF may be invested.

11.15. The Council Board shall appoint the auditors to audit the books of account and financial statements of the SPF, annually. The audited financial records of the SPF shall be presented to, considered and approved by the Board at its AGM, where after it will be signed off by the Chairperson of the Management Committee. The Chairperson of the Management Committee shall in his / her Chairperson`s report address the AGM on the activities of the SPF. The audited financial records of the

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SPF shall be open for inspection to any member of the SPF during office hours at the Bargaining Council's head office as indicated in the collective agreement.

11.16. A member shall be entitled to copies of the financial records after the inspection thereof against first paying a photocopying charge levied by the Bargaining Council, in its sole and absolute discretion.

11.17. The Management Committee may, from time to time as and when necessary instruct actuaries to attend to actuarial calculations for purposes of ensuring that the SPF has sufficient funds to meet its obligations and to ensure sustainability. The expense relating to the appointment of the actuaries shall be borne by the SPF.

11.18. The SPF shall have the legal capacity to enter into any agreement and to sue or to be sued in its own name.

11.19. Any profits or losses incurred in the day-to-day activities of the SPF or the realisation of any investment shall be borne by the SPF.

11.20. The Management Committee shall meet at least on 3 (three) occasions per calendar year, which meetings shall take place at least 2 (two) months prior to Board meetings scheduled for that calendar year, so as to enable the Chairperson to report on the activities and financial status of the SPF, during Board meetings.

11.21. The Management Committee shall ensure that the SPF, at all material times, has sufficient funds to settle any claims that may arise in the ensuing 4 (four) calendar months, predicated on the historical claims that arose in the same time period i.e the same 4 (four) calendar months, in the previous calendar year, plus 10% (ten percent).

12. Liquidation and dissolving of SPF

12.1. The SPF will continue *ad infinitum* until liquidated or dissolved by virtue of a resolution of the Board.

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12.2. In the event of the Board resolving to liquidate or dissolve the SPF, the funds retained in the SPF after settlement of any administration and liquidation expenses, shall be paid in equal shares to the Employer party/ies and Employee/s party/ies to the Bargaining Council.

12.3. In the event of the Bargaining Council being wound up or dissolved, the Board shall, on the date upon which the Bargaining Council is being wound up or dissolved, appoint 3 persons nominated by the Employer party/ies to the Bargaining Council and 3 persons appointed by the Employee party/ies to the Bargaining Council, as trustees of the SPF ("*the trustees*").

12.4. The Trustees shall liquidate or dissolve the SPF in which event the funds of the SPF shall be paid in equal shares to the Employer party/s and Employee/s party/ies to the Bargaining Council.

13. Indemnity

13.1. The members of the Board, Management Committee or any person and/or entity employed by the Management Committee, shall not be liable for any actions taken by and/or debt and/or liability of the SPF and are hereby indemnified by the SPF against any losses and/or expenses incurred by it as a result of or arising from the bona fide execution of their duties as such.

20 May 2024

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2857 OF 2024

COMPETITION TRIBUNAL

NOTIFICATION OF COMPLAINT REFERRAL

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that it received the c COVCR074Jul20omplaint referrals listed below. The complaint(s) alleges that the respondent(s) engaged in a prohibited practice in contravention of the Competition Act 89 of 1998.

Case No.	Complainant	Respondent	Date received	Sections of the Act
CRP113Oct24	Mastersmith Trading and Projects 72 (Pty) Ltd	Truvelo Africa Electronics Division (Pty) Ltd	18/10/2024	8(b),8(1)(a)
CRP068Jul24	Food and Allied Workers Union (FAWU)	The South African Breweries (Pty) Ltd	11/07/2024	-

The Chairperson
Competition Tribunal

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2858 OF 2024

COMPETITION TRIBUNAL

NOTIFICATION OF DECISION TO APPROVE MERGER

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM101Sep24	Slip Knot Investments 777 (Pty) Ltd	Bestinver Company South Africa (Pty) Ltd	04/11/2024	Approved
LM105Oct24	Old Mutual Rental Housing Investment Fund Two Ltd	Stepney Green and Little Manhattan	12/11/2024	Approved

The Chairperson Competition Tribunal

DEPARTMENT OF TRADITIONAL AFFAIRS

NOTICE 2859 OF 2024

PUBLICATION OF TRADITIONAL AND KHOI-SAN LEADERSHIP BILL, 2024, FOR PUBLIC COMMENT

The Minister of Cooperative Governance and Traditional Affairs, Mr V F Hlabisa, hereby publishes the attached draft Bill for public comment in terms of section 154(2) of the Constitution of the Republic of South Africa, 1996.

The Traditional and Khoi-San Leadership Bill, 2024 –

- makes provision for the recognition of the Khoi-San;
- repeals and replaces the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) and the National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009).

Traditional and Khoi-San leaders, organised local government, municipalities, interested parties and institutions are invited to submit written comments on the Bill within 30 calendar days from the date of publication of this notice in the *Gazette*. All comments must be submitted in the format below using the contact details provided:

NAME AND CONTACT DETAILS [Please provide the name of the person or body who submits the comment and contact details, preferably e-mail address]	**CLAUSE COMMENTED ON** [Please indicate which particular clause of the Bill the comments relate to]	**PROPOSAL** [Please provide a clear proposal on how the particular clause should be amended]	**MOTIVATION** [Please provide detailed motivation for the proposed amendment]

Postal address:
Director-General
Department of Traditional Affairs
Private Bag X22
ARCADIA
0083
(Attention: Ms R S Mogaladi)

E-mail: legislation@cogta.gov.za

REPUBLIC OF SOUTH AFRICA

TRADITIONAL AND KHOI-SAN LEADERSHIP BILL

(As introduced in the National Assembly as a section 76 Bill;
Bill published in Government Gazette No. of)
(The English text is the official text of the Bill)

(MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS)

[B —2024] ISBN

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BILL

To provide for the recognition of traditional and Khoi-San communities, leadership positions and for the withdrawal of such recognition; to provide for the functions and roles of traditional and Khoi-San leaders; to provide for the recognition, establishment, functions, roles and administration of kingship or queenship councils, principal traditional councils, traditional councils, Khoi-San councils and traditional sub-councils, as well as the support to such councils; to provide for the establishment, composition and functioning of the National House of Traditional and Khoi-San Leaders; to provide for the establishment of provincial houses of traditional and Khoi-San leaders; to provide for the establishment and composition of local houses of traditional and Khoi-San leaders; to provide for the establishment and operation of the Commission on Khoi-San Matters; to provide for a code of conduct for members of the National House, provincial houses, local houses and all traditional and Khoi-San councils; to provide for regulatory powers of the Minister and Premiers; to provide for transitional arrangements; to amend certain Acts; to provide for the repeal of legislation; and to provide for matters connected therewith.

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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2. Guiding principles

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CHAPTER 1

INTERPRETATION, APPLICATION AND PRINCIPLES

Definitions and application

1. (1) In this Act, unless the context indicates otherwise—
"2019-Act" means the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019);
''area of jurisdiction'' means the area of jurisdiction defined for a kingship or queenship council, principal traditional council, traditional council and traditional sub-council;
''branch'' means a branch recognised as such in terms of section 5(5);
''branch head'' means a Khoi-San leader who is the head of a branch and who has been recognised as a branch head in terms of section 10;
''code of conduct'' means the code of conduct provided for in Schedule 1;
''Commission'' means the Commission on Khoi-San Matters established in terms of section 51;
''CTLDC'' means the Commission on Traditional Leadership Disputes and Claims established in terms of section 22 of the Framework Act as amended by the Traditional Leadership and Governance Framework Amendment Act, 2009 (Act No. 23 of 2009), with effect from 1 February 2010;
"date of invalidity" means 1 April 2021 and is the date on which the declaration of constitutional invalidity of the 2019-Act may take effect;
''Department'' means the national department responsible for traditional and Khoi-San leadership and governance matters;
''district municipality'' means a district municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
"Framework Act" means Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003);
''headman or headwoman'' means a traditional leadership position contemplated in section 7 which—
(a) is under the authority of, or exercises authority within the area of jurisdiction of, a senior traditional leader in accordance with customary law and customs; and
(b) has been recognised as such in terms of section 8;
''headmanship or headwomanship'' means a headmanship or headwomanship recognised in terms of section 3;
''Khoi-San'' means any person who lives in accordance with the customs and customary law of the Cape-Khoi, Griqua, Koranna, Nama or San people, or any subgrouping thereof, and is consequentially a member of a particular Khoi-San community as contemplated in section 5;
''Khoi-San community'' means a Khoi-San community recognised as such in terms of section 5;
''Khoi-San council'' means a council established in terms of section 18;
''Khoi-San leader'' means a person recognised as a senior Khoi-San leader or a branch head in terms of section 10 and includes a regent, acting Khoi-San leader and deputy Khoi-San leader;
''king or queen'' means a person recognised as a king or queen in terms of section 8;
''kingship or queenship'' means a kingship or queenship recognised in terms of section 3;
''kingship or queenship council'' means a council established and recognised in terms of section 16;
''local house'' means a local house of traditional and Khoi-San leaders contemplated in section 50;
''local municipality'' means a local municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
''metropolitan municipality'' means a metropolitan municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
''Minister'' means the national Minister responsible for traditional and Khoi-San leadership and governance matters;
''National House'' means the National House of Traditional and Khoi-San Leaders established in terms of section 27;
''prescribe'' means prescribed by regulation in terms of section 60;

''principal traditional community'' means a community deemed to be a principal traditional community in terms of section 28(9)*(c)* of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), prior to the repeal of that Act, or as contemplated in section 63(8)*(c)* of this Act;

''principal traditional council'' means a council established and recognised in terms of section 16;

''principal traditional leader'' means a person deemed to be a principal traditional leader in terms of section 28(9)*(c)* of the Traditional Leadership and Governance Framework Act, 2003, prior to the repeal of that Act, or as contemplated in section 63(8)*(c)* of this Act, or a successor to such person as contemplated in section 8;

''provincial house'' means a provincial house of traditional and Khoi-San leaders as contemplated in section 49;

''regent'' means any person who, in terms of section 12, holds a traditional or Khoi-San leadership position in a temporary capacity until the identified or elected leader to such position who is a minor, becomes a major as contemplated in section 17 of the Children's Act, 2005 (Act No. 38 of 2005) and is recognised in terms of this Act;

''royal family'' means the core customary institution or structure consisting of immediate relatives of the ruling family within a traditional or Khoi-San community, who have been identified in terms of customary law or customs, and includes, where applicable, other family members who are close relatives of the ruling family;

''rules and orders'' means rules and orders of the National House as contemplated in section 46;

''Secretary'' means the Secretary of the National House appointed in terms of section 37;

''senior traditional leader'' means a person recognised as a senior traditional leader in terms of section 8;

''senior Khoi-San leader'' means a person recognised as a senior Khoi-San leader in terms of section 10;

''this Act'' includes any regulations made in terms of any relevant provision of this Act;

''traditional community'' means a traditional community recognised as such in terms of section 3;

''traditional council'' means a traditional council established and recognised in terms of section 16 and includes a traditional sub-council contemplated in section 17;

''traditional leader'' means a person who has been recognised as a king or queen, principal traditional leader, senior traditional leader or headman or headwoman in terms of section 8 and includes regents, acting traditional leaders and deputy traditional leaders;

''traditional leadership'' means the institutions or structures established in terms of customary law or customs, or customary systems or procedures of governance, recognised, utilised or practiced by traditional communities;

''traditional sub-council'' means a traditional sub-council contemplated in section 17.

(2) Nothing contained in this Act may be construed as precluding members of a traditional or Khoi-San community from addressing a traditional or Khoi-San leader by the customary designation accorded to him or her by custom, but such customary designation does not derogate from or add anything to the status, role and functions of a traditional or Khoi-San leader as provided for in this Act.

(3) Traditional and Khoi-San leaders may acknowledge or recognise the different levels of seniority among themselves in accordance with customs, and none of the definitions contained in subsection (1) must be construed as conferring or detracting from such seniority.

(4) Any provision of this Act that requires the consultation of a provincial or local house of traditional and Khoi-San leaders has to be complied with only in instances where such a house has been established: Provided that in instances where such a house has not been established, such requirement does not apply and will have no effect on any action or decision taken in terms of the relevant provision.

(5) The provisions of this Act relating to the recognition of a traditional or Khoi-San community or leader shall not be construed as bestowing upon such a community or leader any special indigenous, first nation or any other similar status.

Guiding principles

2. (1) A kingship or queenship, principal traditional community, traditional community, headmanship, headwomanship and Khoi-San community must transform and adapt customary law and customs relevant to the application of this Act so as to comply with the relevant principles contained in the Bill of Rights in the Constitution, in particular by—

(a) preventing unfair discrimination;
(b) promoting equality; and
(c) seeking to progressively advance gender representation in the succession to traditional and Khoi-San leadership positions.

(2) The resources of any community, leader, council, house, Commission or committee recognised or established in accordance with a provision of this Act—

(a) must not be used to promote or prejudice the interest of any political party or any grouping of such party, or to promote or prejudice any candidate in any election, irrespective whether such election is an internal election within the relevant party or an external election; and
(b) may only be used for purposes of the functions, duties and responsibilities allocated by this Act to such community, leader, council, house, Commission or committee.

CHAPTER 2

LEADERSHIP AND GOVERNANCE

Part 1

Traditional and Khoi-San communities

Recognition of kingship or queenship, traditional community, headmanship or headwomanship

3. (1) Traditional communities that are grouped together may be recognised as a kingship or queenship if—

(a) they are recognised as traditional communities in terms of subsection (4);
(b) each has a recognised traditional council with a defined area of jurisdiction as contemplated in section 16;
(c) each has a recognised senior traditional leader as contemplated in section 8;
(d) they recognise as their king or queen, a specific recognised senior traditional leader who, in terms of custom and customary law, is of a higher status than the other senior traditional leaders;
(e) they recognise themselves as a distinct group of traditional communities with a proven history of existence, from a particular point in time up to the present, distinct from principal traditional communities and other traditional communities;
(f) they have a system of traditional leadership at a kingship or queenship level; and
(g) they have an existence of distinctive cultural heritage manifestations.

(2) *(a)* Traditional communities that meet the criteria set out in subsection (1), may apply to the President for recognition as a kingship or queenship which application must be accompanied by a resolution of each traditional council referred to in subsection (1)*(b)*, indicating that such council forms part of the kingship or queenship being applied for.

(b) An application in terms of paragraph *(a)* must be accompanied by an application for the recognition of the position of a king or queen of those communities as contemplated in section 8.

(3) *(a)* The President may, after consultation with the Minister, by notice in the *Gazette* recognise the traditional communities contemplated in subsections (1) and (2) as a kingship or queenship.

(b) The President may, before recognising a kingship or queenship as contemplated in paragraph *(a)*—

(i) cause an investigation to be conducted by the Minister to determine whether the relevant traditional communities comply with the criteria set out in subsection (1);
(ii) direct the Minister to conduct consultations with the relevant Premier, the provincial house in the relevant province, the National House and the senior traditional leaders of traditional communities who fall under the kingship or queenship being applied for; and

(iii) determine a period within which the Minister must finalise the investigation or consultations contemplated in subparagraphs (i) and (ii).

(4) A community may be recognised as a traditional community if it—

(a) has a system of traditional leadership at a senior traditional leadership level recognised by other traditional communities;

(b) observes a system of customary law;

(c) recognises itself as a distinct traditional community with a proven history of existence, from a particular point in time up to the present, distinct and separate from other traditional communities;

(d) occupies a specific geographical area;

(e) has an existence of distinctive cultural heritage manifestations; and

(f) where applicable, has a number of headmenship or headwomenship.

(5) *(a)* A community that meets the criteria set out in subsection (4), may apply to the Premier concerned for recognition as a traditional community.

(b) An application in terms of paragraph *(a)* must be accompanied by an application for the recognition of the position of a senior traditional leader of that community as contemplated in section 8.

(6) The Premier concerned may, after consultation with the relevant provincial house and by notice in the relevant Provincial *Gazette* recognise the community contemplated in subsection (4) as a traditional community.

(7) A headmanship or headwomanship may be recognised as such if it—

(a) has a system of traditional leadership at a headmanship or headwomanship level and is recognised as such by the relevant traditional community;

(b) consists of an area within the area of jurisdiction of the traditional council of the relevant traditional community; and

(c) will contribute to the more effective and efficient administration of the relevant traditional council.

(8) *(a)* A portion of a traditional community that meets the criteria set out in subsection (7), may request the relevant traditional council to apply to the Premier concerned for the recognition of such portion of the community as a headmanship or headwomanship.

(b) If the traditional council is of the view that the portion of the traditional community referred to in paragraph *(a)* does not meet the criteria set out in subsection (7), the traditional council must inform the community and the Premier accordingly and provide reasons for such view.

(9) The Premier concerned may, after consultation with the relevant traditional council and by notice in the Provincial *Gazette,* recognise the headmanship or headwomanship contemplated in subsection (7).

(10) The Minister may, in accordance with the provisions of section 60, make regulations in respect of—

(a) a process that will allow for sufficient consultations as envisaged in subsections (6) and (9); and

(b) the period within which a Premier must reach a decision regarding the recognition of communities as envisaged in subsections (6) and (9).

(11) The Premier concerned may cause an investigation to be conducted by the member of the Executive Council responsible for traditional affairs of the relevant province to determine whether a traditional community or portion of a traditional community, as the case may be, complies with the criteria set out in subsections (4) and (7) respectively, and with the guiding principles set out in section 2.

Withdrawal of recognition of kingship or queenship, principal traditional community, traditional community, headmanship or headwomanship

4. (1) The withdrawal of the recognition of a kingship or queenship or principal traditional community, as the case may be, may, subject to subsection (12), only be considered where the majority of traditional communities under the jurisdiction of the kingship or queenship or principal traditional community concerned request the President, in the case of a kingship or queenship, or the relevant Premier, in the case of a principal traditional community, to withdraw the recognition of their kingship or queenship or principal traditional community: Provided that such request must be accompanied by a resolution of each traditional council of such traditional communities and the grounds on which the request is based.

(2) The President or relevant Premier, as the case may be, must before taking a decision in terms of subsection (1), cause an investigation to be conducted by the Minister or member of the Executive Council responsible for traditional affairs of the province concerned, as the case may be, in order to establish whether there is sufficient cause for the withdrawal of the recognition of the kingship or queenship or principal traditional community.

(3) *(a)* The withdrawal of the recognition of a kingship or queenship must be done by the President by notice in the *Gazette* after consultation with the kingship or queenship council, the National House, the Minister, the relevant Premier and the provincial house concerned.

(b) The President may direct the Minister to conduct the consultations referred to in paragraph *(a)* and determine a period within which such consultations must be finalised.

(4) *(a)* The withdrawal of the recognition of a principal traditional community must be done by the Premier concerned by notice in the Provincial *Gazette*.

(b) Before the withdrawal of a recognition contemplated in paragraph *(a)*, the Premier concerned must consult the relevant provincial house, any community that may be affected and the senior traditional leaders who form part of the principal traditional community.

(c) The Premier concerned may direct the member of the Executive Council responsible for traditional affairs of the relevant province to conduct the consultations referred to in paragraph *(b)* and determine a period within which such consultations must be finalised.

(5) The withdrawal of the recognition of a community as a traditional community may, subject to subsection (12), only be considered where—

(a) the community concerned requests the relevant Premier to withdraw its recognition as a traditional community: Provided that if such traditional community forms part of a kingship or a queenship or a principal traditional community, such request may only be submitted after the traditional community has consulted the kingship or queenship council or principal traditional council;

(b) a kingship or a queenship council or a principal traditional council requests the relevant Premier to withdraw the recognition of a traditional community which forms part of such kingship, queenship or principal traditional community: Provided that such request may only be submitted after the kingship or queenship council or principal traditional council has consulted the relevant traditional community;

(c) the Premier concerned is requested by any affected community or communities to review the position of such a community or communities that was or were divided or merged in terms of applicable legislation; or

(d) two or more recognised communities request the Premier concerned to merge such communities into a single traditional community:

Provided that any request for the withdrawal of the recognition of a traditional community must be accompanied by the grounds on which the request is based: Provided further that any such request must be accompanied by information setting out the details of the consultation contemplated in this subsection.

(6) *(a)* The withdrawal of the recognition of a community as a traditional community must be done by the Premier concerned by notice in the relevant Provincial *Gazette*.

(b) Before the withdrawal of a recognition contemplated in paragraph *(a)*, the Premier concerned must consult the relevant provincial house, any community that may be affected and, if applicable, the kingship or queenship council or principal traditional council referred to in subsection (5)*(a)* and *(b)*, before the withdrawal of the recognition of a traditional community may be effected by way of a notice in the Provincial *Gazette*.

(7) *(a)* The Premier concerned must, by notice in the Provincial *Gazette,* recognise a merged traditional community contemplated in subsection (5)*(d)* and disestablish the individual traditional communities that requested to be merged.

(b) The notice referred to in paragraph *(a)* must stipulate the legal, practical and other consequences of the merger and disestablishment, including—

(i) if applicable, the transfer of assets, liabilities and administrative and other records of the disestablished traditional community; and

(ii) the leadership position of the merged traditional community and the vacation of office of any office bearer of the disestablished traditional community.

(8) *(a)* The withdrawal of the recognition of a headmanship or headwomanship may, subject to subsection (12), only be considered where the relevant traditional council requests the Premier concerned to withdraw such recognition.

(b) A request referred to in paragraph *(a)* must be accompanied by the grounds on which the request is based.

(9) The Premier concerned may, after consultation with the relevant traditional council and by notice in the Provincial *Gazette,* withdraw the recognition of the headmanship or headwomanship as contemplated in subsection (8).

(10) The Premier concerned may, before withdrawing the recognition of a traditional community, a headmanship or headwomanship, cause an investigation to be conducted in order to establish whether there is sufficient cause for the withdrawal of such recognition.

(11) The Minister may, in accordance with the provisions of section 60, make regulations in respect of—

(a) a process that will allow for sufficient consultations as envisaged in subsections (4), (5), (6) and (9); and

(b) the period within which a Premier must reach a decision regarding the withdrawal of the recognition of communities as envisaged in this section.

(12) *(a)* The recognition of a kingship or queenship, principal traditional community, traditional community, headmanship or headwomanship must be withdrawn if so ordered by a court.

(b) The President, in the case of a kingship or a queenship, and the relevant Premier, in the case of a principal traditional community, traditional community, headmanship or headwomanship, must give notice in the *Gazette* or Provincial *Gazette,* as the case may be, of any withdrawal of recognition in accordance with a court order.

(c) The notice contemplated in paragraph *(b)* must stipulate the legal, practical and other consequences of the withdrawal of recognition.

Recognition of Khoi-San community and branch

5. (1) *(a)* A community may, subject to paragraph *(b)*, apply to the Premier concerned to be recognised as a Khoi-San community if it—

(i) has a history of self-identification by members of the community concerned, as belonging to a unique community distinct from all other communities;

(ii) observes distinctive established Khoi-San customary law and customs;

(iii) is subject to a system of hereditary or elected Khoi-San leadership with structures exercising authority in terms of customary law and customs of that community;

(iv) has an existence of distinctive cultural heritage manifestations;

(v) has a proven history of existence of the community from a particular point in time up to the present; and

(vi) occupies a specific geographical area or various geographical areas together with other non-community members:

Provided that all applications for recognition as contemplated in this section must be lodged with the Commission and dealt with in accordance with the procedures set out in section 58 until such time as the period referred to in section 57(2)*(a)* has expired, whereafter all applications for recognition must be lodged with the Premier in terms of this section.

(b) An application in terms of paragraph *(a)* must be accompanied by—

(i) an application for the recognition of the position of a senior Khoi-San leader of that community as contemplated in section 10; and

(ii) a list of all community members: Provided that such a list must in respect of each community member contain his or her—

(aa) full names and surname;

(bb) identification number and a certified copy of his or her valid identification document or passport, or in the case of a community member who is younger than 16 years, a certified copy of his or her birth certificate;

(cc) physical address as confirmed by documentary evidence, including the name of the province where such physical address is located;

(dd) contact details;

(ee) signature acknowledging his or her association with such community; and

(ff) any other information as may be requested by the Commission or as may be prescribed by the Minister:

Provided that in the case of any community member who is younger than 16 years, the information required by this subparagraph must be provided by any parent or the legal guardian of such member and such parent or legal guardian must sign the list on behalf of the relevant member: Provided further that only community members who are 18 years or older may participate in the official affairs of a Khoi-San community or council as provided for in this Act.

(c) A person who has confirmed his or her association with a particular Khoi-San community by signing a list as contemplated in paragraph *(b)*(ii), may not be a member of any other Khoi-San community.

(d) Once a Khoi-San council has been established for a particular Khoi-San community, such council must update the list of members referred to in paragraph *(b)*(ii) at least annually and provide copies of such a list to the Minister, the Premier of the province where such council is situated and the Premiers of the provinces where any branch of such a community may have been recognised: Provided that the Minister or any relevant Premier may take the necessary steps to have the information contained in such a list verified.

(2) The Premier concerned may cause an investigation to be conducted to determine whether a community meets the criteria set out in subsection (1) and the guiding principles set out in section 2.

(3) The Premier concerned may, after consultation with the relevant provincial house, by notice in the relevant Provincial *Gazette* recognise the community contemplated in subsection (1) as a Khoi-San community.

(4) *(a)* A Khoi-San community may, where applicable, consist of branches recognised in terms of subsection (5).

(b) A branch may be recognised in terms of subsection (5) if it—

(i) is recognised by the Khoi-San community as a branch of that community;

(ii) consists of not less than 10% of the total number of members of such community as reflected in the list of community members referred to in subsection (1)*(b)*(ii);

(iii) will contribute to a more effective and efficient administration of the Khoi-San council; and

(iv) recognises the senior Khoi-San leader in terms of customary law and customs.

(5) *(a)* A Khoi-San council may, subject to paragraphs *(b)* and *(c)*, apply to the Premier of the province where the council is situated, for the recognition of a branch if it meets the criteria set out in subsection (4).

(b) If the Premier is of the view that the branch meets the criteria set out in subsection (4), but such branch is situated in a province other than the province where the Khoi-San council is situated, the Premier of the province where the council is situated must request the Premier of the province where the branch is situated to recognise that branch.

(c) The recognition of a branch contemplated in paragraph *(a)* or *(b)* is subject to subsections (6), (7) and (8).

(6) The Premier of the province where the branch is situated may cause an investigation to be conducted to determine whether a branch meets the criteria set out in subsection (4).

(7) The Premier of the province where the branch is situated may, subject to subsection (8), recognise a branch that meets the criteria set out in subsection (4).

(8) Where the Khoi-San community consists of branches in different provinces, the recognition of such branches must be done by the relevant Premiers by notice in the Provincial *Gazettes* of the provinces where the branches are situated.

(9) *(a)* A Premier must on an annual basis, or when requested by the Minister, provide the Minister with a report on the recognition of Khoi-San communities and branches.

(b) A copy of the report referred to in paragraph *(a)* must be submitted to the relevant provincial house for noting.

Withdrawal of recognition of Khoi-San community and branch

6. (1) The withdrawal of the recognition of a Khoi-San community or a branch may, subject to subsection (5), only be considered where—

(a) a Khoi-San council requests the Premier concerned that the recognition of a Khoi-San community or the recognition of a branch or branches of such community be withdrawn; or

(b) the Khoi-San councils of two or more recognised Khoi-San communities request the Premier concerned to merge such communities into a single Khoi-San community:

Provided that such request must be accompanied by the grounds on which the request is based.

(2) *(a)* Subject to paragraph *(b)* and subsection (3), the Premier concerned may, after consultation with the relevant provincial house, by notice in the relevant Provincial *Gazette* withdraw the recognition of a Khoi-San community or a branch as contemplated in subsection (1)*(a)*.

(b) Where the branches of a Khoi-San community which are to be withdrawn, are situated in more than one province, the Premiers of the provinces where the branches are situated must, subject to subsection (3), by notice in the relevant Provincial *Gazettes* withdraw the recognition of the branches.

(3) The Premier or Premiers concerned may, before withdrawing the recognition of the Khoi-San community or branch in terms of subsection (2), cause an investigation to be conducted in order to establish whether the communities to be affected by a request contemplated in subsection (1) were consulted and support such request.

(4) *(a)* The Premier concerned must recognise a merged Khoi-San community contemplated in subsection (1)*(b)* and disestablish the individual Khoi-San communities that requested to be merged, by notice in the Provincial *Gazette*.

(b) Whenever Khoi-San communities are merged, such merger automatically results in the disestablishment of any branch or Khoi-San council that has been established for such communities: Provided that a merged Khoi-San community must establish a Khoi-San council in accordance with the provisions of section 18 and may request that new branches for such merged community be recognised in accordance with the provisions of section 5.

(c) The notice referred to in paragraph *(a)* must stipulate the legal, practical and other consequences of the merger and disestablishment including—

(i) if applicable, the transfer of assets, liabilities and administrative and other records of the disestablished Khoi-San community, branches and councils; and

(ii) the leadership position of the merged Khoi-San community and the vacation of office of any office bearer of a disestablished Khoi-San community or branch.

(5) *(a)* The recognition of a Khoi-San community or branch must be withdrawn if so ordered by a court.

(b) The relevant Premier must give notice in the Provincial *Gazette* of any withdrawal of recognition in accordance with a court order.

(c) The notice contemplated in paragraph *(b)* must stipulate the legal, practical and other consequences of the withdrawal of recognition.

Part 2

Traditional and Khoi-San leaders

Recognition of leadership positions

7. (1) *(a)* There are the following traditional leadership positions:

(i) King or queen;

(ii) principal traditional leader;

(iii) senior traditional leader; and

(iv) headman or headwoman:

Provided that the position of principal traditional leader only applies to a person who is deemed to be a principal traditional leader as defined in section 1.

(b) There are the following Khoi-San leadership positions:

(i) Senior Khoi-San leader; and

(ii) branch head.

(2) The following criteria apply whenever a leadership position is to be recognised:

(a) A proven history of existence of such leadership position within the community concerned;

(b) a proven history of acceptance of such leadership position by the community concerned;

(c) a history of functions and powers of the specific leadership position in terms of the established customary law and customs within the particular community;

(d) the recognition of the community in terms of this Act; and

(e) a proven history of either—

(i) hereditary leadership in terms of customary law or customs of the community, with or without a customary role for community participation in the determination or confirmation of the individual as leader; or

(ii) elected leadership where, in terms of the customary law or customs of the community concerned, the leader is elected.

(3) *(a)* An application for the recognition of the position of a king or a queen must be submitted to the President.

(b) An application for the recognition of the position of a principal traditional leader, senior traditional leader, senior Khoi-San leader, headman, headwoman or branch head must be submitted to the Premier concerned: Provided that all applications for the recognition of the position of a senior Khoi-San leader or branch head must be lodged with the Commission until such time as the period referred to in section 57(2)*(a)* has expired, whereafter all applications for recognition must be lodged with the Premier in terms of sections 5 and 10, respectively.

(4) Where there is evidence or an allegation that a leadership position does not comply with the criteria set out in subsection (2), the President or Premier, as the case may be, must cause an investigation to be conducted by an investigative committee designated by the President or Premier, as the case may be, which committee must provide a report on whether the leadership position complies with the said criteria: Provided that in the case of the leadership position of a king or a queen, at least one member of the investigative committee must be a member of the National House and in the case of any other leadership position, at least one member of the investigative committee must be a member of the provincial house concerned.

(5) The President or the Premier, as the case may be, may, after having considered the report of the investigative committee, recognise the leadership position.

(6) The recognition of a leadership position in terms of this section must be done by notice in the *Gazette* or Provincial *Gazette*, as the case may be, and takes effect from the date of such publication.

(7) *(a)* Whenever a senior traditional leader is recognised as a king or a queen in terms of this Act or has been so recognised prior to the commencement of this Act, such senior traditional leadership position becomes vacant or is regarded as vacant, as the case may be.

(b) A vacant senior traditional leadership position as contemplated in paragraph *(a)* may, subject to paragraph *(c)* and within 90 days of such vacancy occurring or, in the case of a recognition as a king or a queen prior to the commencement of this Act, within 90 days from the commencement of this Act, be filled—

(i) by means of the recognition of another person as senior traditional leader in accordance with the provisions of section 8; or

(ii) by the identification of a deputy traditional leader in accordance with the provisions of section 14.

(c) Whenever the recognition of a kingship or a queenship is withdrawn in terms of section 4, such withdrawal will automatically result in—

(i) the recognised king or queen reverting to the position of senior traditional leader which he or she occupied prior to recognition as a king or queen; and

(ii) the withdrawal of the recognition of the senior traditional leader referred to in paragraph *(b)*(i) or the lapsing of the recognition of a deputy traditional leader referred to in paragraph *(b)*(ii).

(d) A person whose recognition as senior traditional leader has been withdrawn as contemplated in paragraph *(c)*(ii)—

(i) relinquishes all functions, roles, duties, responsibilities and rights associated with the relevant position of senior traditional leader;

(ii) shall continue to receive the salary and benefits associated with such senior traditional leadership position until his or her death; and

(iii) is no longer entitled to receive any allowance or enabling resource as contemplated in the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997.

(8) *(a)* Any recognised traditional or Khoi-San leader may resign as such leader: Provided that such resignation must be in writing and must, in the case of a king or a queen, be submitted to the President and in the case of any other recognised traditional or Khoi-San leader, be submitted to the Premier who recognised such leader: Provided further that in the case of a Khoi-San leader who was recognised by the Minister in terms of section 58, such resignation must be submitted to the Minister and a copy thereof must be submitted to the Premier of the province in which such Khoi-San leader resides.

(b) A traditional or Khoi-San leader who resigns as such leader automatically relinquishes, with effect from the date of resignation, any salaries, allowances, benefits and rights associated with the leadership position occupied prior to such resignation.

(c) A traditional or Khoi-San leader who has resigned may not reapply for recognition.

(d) Whenever a traditional or Khoi-San leader resigns as contemplated in this subsection, the relevant position becomes vacant and has to be filled in accordance with the relevant provisions of this Act, taking into account the fact that a resignation does not affect succession in terms of customary law and customs of the particular community.

(9) Any person who is not a recognised leader as contemplated in subsection (1) but purports to be such a leader, is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding three years.

Recognition of king or queen, principal traditional leader, senior traditional leader, headman or headwoman

8. (1) Whenever the position of a king or queen is to be filled or the successor to a principal traditional leader is to be identified, the following process applies:

(a) The royal family concerned must, within 90 days after the need arises for the position of a king or queen, or principal traditional leader to be filled, and with due regard to applicable customary law and customs—

(i) identify a person who qualifies in terms of customary law and customs to assume the position of a king or queen, or principal traditional leader, as the case may be, taking into account whether any of the grounds referred to in section 9(1) or 16(11)*(h)* or 16(14)*(a)*, *(c)*, *(d)*, *(e)* or *(k)* apply to that person; and

(ii) apply to the President or relevant Premier, as the case may be, for the recognition of the person so identified as a king or queen, subject to section 3(2), or principal traditional leader which application must be accompanied by—

(aa) the particulars of the person so identified to fill the position of a king or queen, or principal traditional leader; and

(bb) the reasons for the identification of that person as king or queen, or principal traditional leader.

(b) The President may, after consultation with the Minister and the Premier concerned, and subject to subsections (3) and (4), recognise as a king or queen a person so identified in terms of paragraph *(a)*(i), taking into account whether a kingship or queenship has been recognised in terms of section 3.

(c) The Premier may recognise as the successor to a principal traditional leader a person so identified in terms of paragraph *(a)*(i), taking into account whether a principal traditional community still exists.

(2) Whenever the position of senior traditional leader, headman or headwoman is to be filled, subject to subsection (3)—

(a) the royal family concerned must, in the event of hereditary succession, within 90 days after the need arises for any of those positions to be filled, identify a person who qualifies in terms of customary law or customs to assume the position in question, taking into account whether any of the grounds referred to in section 9(1) or 16(11)*(h)* or 16(14)*(a)*, *(c)*, *(d)*, *(e)* or *(k)* apply to that person;

(b) in the event that hereditary succession is not applicable, a person who is to assume the position of headman or headwoman must, in terms of customs or customary law be identified or elected by the community concerned, within 90 days after the need arises for such a position to be filled, taking into account whether any of the grounds referred to in section 9(1) or 16(11)*(h)* or 16(14)*(a)*, *(c)*, *(d)*, *(e)* or *(k)* apply to that person;

(c) the royal family in the case of hereditary succession referred to in paragraph *(a)*, through the relevant customary structure, and the traditional council concerned in the case of an identified or elected headman or headwoman referred to in paragraph *(b)*, must apply to the Premier for the recognition of the person so identified or elected and provide the Premier with the particulars of such person; and

(d) the Premier concerned must, subject to subsection (3), recognise the person so identified or elected as senior traditional leader, headman or headwoman, as the case may be.

(3) Whenever the President recognises a king or queen, or a Premier recognises the successor to a principal traditional leader or recognises a senior traditional leader, headman or headwoman, the President or the Premier, as the case may be, must—

(a) publish a notice in the *Gazette* recognising such person as a king or queen, or publish a notice in the relevant Provincial *Gazette* recognising such person as a principal traditional leader, senior traditional leader, headman or headwoman;

(b) issue a certificate of recognition to such person; and

(c) inform the National House of the recognition of a king or queen and inform the relevant provincial house of the recognition of a principal traditional leader, senior traditional leader, headman or headwoman.

(4) Where there is evidence or an allegation that the identification of a person as a king or queen, principal traditional leader or senior traditional leader, or the identification or election of a person as a headman or headwoman, was not done in terms of customary law and customs, the President or the relevant Premier, as the case may be—

(a) must cause an investigation to be conducted by an investigative committee designated by the President or Premier, as the case may be, which committee must, in the case of a committee designated by the President, include at least one member of the National House and in the case of a committee designated by a Premier, include at least one member of the relevant provincial house, to provide a report on whether the identification or election of the relevant person was done in accordance with customary law and customs and if not, which person should be so identified or whether a new election should be held; and

(b) must, where the findings of the investigative committee indicate that the identification or election of the person referred to in subsections (1) and (2) was not done in terms of customary law and customs, refer the report contemplated in paragraph *(a)* to the royal family or relevant traditional council in the case of an elected headman or headwoman, for its comments.

(5) The President or the relevant Premier, as the case may be, may, after having considered the report of the investigative committee as well as the comments of the royal family, subject to subsection (3) recognise a person as king or queen, principal traditional leader, senior traditional leader, headman or headwoman, as the case may be.

(6) The Minister may, in accordance with the provisions of section 60, make regulations in respect of the—

(a) consultation by the Premier concerned with the traditional council where the position of a senior traditional leader, headman or headwoman is to be filled; and

(b) procedure to be followed for the identification or election of a senior traditional leader, headman or headwoman in instances where the customs or customary law does not make provision for such identification or election.

Withdrawal of recognition of king or queen, principal traditional leader, senior traditional leader, headman or headwoman

9. (1) The recognition of a king or queen, principal traditional leader, senior traditional leader, headman or headwoman, subject to subsections (2) and (3)—

(a) must be withdrawn if he or she—

(i) has been convicted of an offence with a sentence of imprisonment for more than 12 months without the option of a fine;

(ii) is declared mentally unfit or mentally disordered by a court; or

(iii) no longer permanently resides within the area of the kingship or queenship council, principal traditional council or traditional council, as the case may be; or

(b) may be withdrawn if he or she—

(i) has been removed from office in terms of the code of conduct; or

(ii) has transgressed customary law or customs,

on a ground that warrants withdrawal of recognition; and

(c) must be withdrawn if so ordered by a court.

(2) *(a)* Whenever in the case of a king or a queen, any of the grounds referred to in subsection (1) come to the attention of the royal family, the royal family must, within 90 days from the date of becoming aware of such grounds and through the relevant customary structure—

(i) inform the President, the Premier concerned, the Minister and the senior traditional leaders within the kingship or queenship, of the particulars of such king or queen, and of the particulars relating to the specific ground referred to in subsection (1); and

(ii) give written confirmation to the President that the Premier concerned and the Minister have been informed accordingly.

(b) Whenever any of the grounds referred to in subsection (1)*(b)* come to the attention of the royal family, the royal family may recommend the withdrawal of the recognition of the king or queen, and must furnish the President with reasons for such recommendation.

(3) *(a)* Whenever in the case of a principal traditional leader, senior traditional leader, headman or headwoman, any of the grounds referred to in subsection (1) come to the attention of the royal family or, in the case of an elected headman or headwoman, come to the attention of the relevant traditional council, the royal family or traditional council concerned must, within 90 days from the date of becoming aware of such grounds and through the relevant customary structure, inform the Premier concerned and the senior traditional leaders within the principal traditional community or traditional community, as the case may be, of the particulars of such principal traditional leader, senior traditional leader, headman or headwoman, and of the particulars relating to the specific ground referred to in subsection (1).

(b) Whenever any of the grounds referred to in subsection (1)*(b)* come to the attention of the royal family or, in the case of an elected headman or headwoman, come to the attention of the relevant traditional council, the royal family or traditional council, as the case may be, may recommend the withdrawal of the recognition of the principal traditional leader, senior traditional leader, headman or headwoman, and must furnish the Premier with reasons for such recommendation.

(4) *(a)* When the President or relevant Premier is informed of the presence of any of the grounds referred to in subsection (1)*(a)*, the President or Premier must, after consultation with the Minister or member of the Executive Council responsible for traditional affairs in the particular province, as the case may be, and subject to subsections (5) and (6), withdraw the recognition of the relevant king or queen, principal traditional leader, senior traditional leader, headman or headwoman.

(b) When the President or relevant Premier is informed of the presence of any of the grounds referred to in subsection (1)*(b)*, the President or Premier may, after consultation with the Minister or member of the Executive Council referred to in paragraph *(a)*, and—

(i) after having considered the information referred to in subsection (2)*(a)*(i); and

(ii) where applicable, after having considered any recommendation and reasons as contemplated in subsection (2)*(b)*,

withdraw the recognition of the king or queen, principal traditional leader, senior traditional leader, headman or headwoman or refuse to withdraw such recognition: Provided that if the President or Premier refuses to withdraw such recognition, he or she, as the case may be, must in writing provide reasons to the royal family or, in the case of an elected headman or headwoman, to the relevant traditional council: Provided further that if the President refuses to withdraw a recognition, he or she must inform the relevant Premier and the Minister accordingly.

(5) When the President or relevant Premier withdraws the recognition of a king or queen, principal traditional leader, senior traditional leader, headman or headwoman—

(a) the President must cause a notice with particulars of such king or queen and the date on which such withdrawal takes effect to be published in the *Gazette*;

(b) the relevant Premier must cause a notice with particulars of such principal traditional leader, senior traditional leader, headman or headwoman and the date on which such withdrawal takes effect to be published in the relevant Provincial *Gazette*; and

(c) the President or Premier, as the case may be, must inform the royal family or traditional council concerned and the relevant king or queen, principal traditional leader, senior traditional leader, headman or headwoman of such withdrawal.

(6) *(a)* Where there is evidence or an allegation that—

(i) the withdrawal of the recognition of a king or queen, principal traditional leader, senior traditional leader, headman or headwoman was not based on any of the grounds set out in subsection (1);

(ii) the information which was brought to the President or Premier's attention in accordance with subsection (2)*(a)*(i) was provided in bad faith; or

(iii) a recommendation made by the royal family or relevant traditional council, in the case of an elected headman or headwoman, as contemplated in subsection (2)*(b)* was done in bad faith,

the President or Premier, as the case may be, must cause an investigation to be conducted by an investigative committee designated by the President or Premier which committee must, in the case of a king or queen, include at least one member of the National House and, in the case of a principal traditional leader, senior traditional leader, headman or headwoman, include at least one member of the relevant provincial house, to provide a report as well as recommendations on whether the withdrawal of the recognition of the person concerned was done in accordance with the grounds set out in subsection (1), or whether the information brought to the attention of the President or Premier was done in bad faith or not, or whether the recommendation of the royal family or traditional council was made in bad faith or not.

(b) Where the report of the investigative committee indicates that—

(i) the withdrawal of the recognition of the king or queen, principal traditional leader, senior traditional leader, headman or headwoman was not done in accordance with any of the grounds set out in subsection (1);

(ii) the information brought to the President or Premier's attention was done in bad faith; or

(iii) the recommendation of the royal family or relevant traditional council was made in bad faith,

the President or Premier, as the case may be, must refer the report to the royal family or traditional council for its comments and the royal family or traditional council must provide the President or Premier with written comments within 60 days from the date of such referral.

(c) The President or Premier may, after having considered the report of the investigative committee as well as the comments of the royal family or traditional council where applicable—

(i) refuse to withdraw the recognition of a king or queen, principal traditional leader, senior traditional leader, headman or headwoman if the information provided or the recommendations made by the royal family or traditional council were done in bad faith; or

(ii) by notice in the *Gazette* or Provincial *Gazette,* as the case may be, confirm the withdrawal of recognition of the particular traditional leader or revoke such withdrawal of recognition: Provided that if the withdrawal of recognition is revoked, the relevant traditional leader shall consequentially be regarded as reinstated from the date on which the recognition was withdrawn.

(7) Where the recognition of a king or queen, principal traditional leader, senior traditional leader, headman or headwoman is withdrawn in accordance with subsection (1)*(a)*, *(b)* or *(c)*, the royal family must identify a successor in accordance with section 8 and the relevant customary law and customs.

Recognition of senior Khoi-San leader or branch head

10. (1) Whenever the position of a senior Khoi-San leader or branch head is to be filled, subject to sections 56, 57 and 58—

(a) the royal family concerned, in the event of hereditary succession must, within 90 days after the need arises for a position to be filled and with due regard to applicable customary law and customs, identify a senior Khoi-San leader as the hereditary successor, taking into account whether any of the grounds referred to in section 11(1) or, with the necessary changes, any of the grounds referred to in section 16(14)*(a)*, *(c)*, *(d)* or *(e)* apply to that person;

(b) the Khoi-San council concerned, in the case of succession by election must, within 90 days after the need arises for a position to be filled and with due regard to applicable customary law and customs, elect a senior Khoi-San leader or a branch head to assume the position in question, taking into account whether any of the grounds referred to in section 11(1) or, with the necessary

changes, any of the grounds referred to in section 16(14)*(a)*, *(c)*, *(d)* or *(e)* apply to that person;

(c) the royal family or the Khoi-San council, as the case may be, must apply to the Premier for the recognition of the person identified or elected in terms of paragraphs *(a)* or *(b)*.

(2) A branch head elected in terms of subsection (1)*(b)* is, subject to the provisions of section 6(4)*(b)*, elected for a period of five years which term must coincide with the term of the Khoi-San council concerned.

(3) *(a)* An election referred to in subsection (1)*(b)* must, subject to paragraph *(b)*, be conducted in terms of rules and procedures adopted by the Khoi-San council concerned.

(b) The Minister may make regulations in respect of an election referred to in subsection (1)*(b)*.

(4) The royal family or Khoi-San council, as the case may be, must inform the Premier concerned of the particulars of the person identified or elected as contemplated in subsection (1).

(5) The Premier concerned must, subject to subsections (6) and (7), where a senior Khoi-San leader or branch head has been identified or elected—

(a) by notice in the relevant Provincial *Gazette* recognise the person identified or elected in terms of subsection (1);

(b) issue a certificate of recognition to the person so identified or elected and, subject to subsection (2), indicate the term of office of an elected person; and

(c) inform the Minister and the relevant provincial house of the particulars of the person referred to in paragraph *(a)*.

(6) *(a)* Where a branch head who has been elected resides in a province other than the province where the relevant Khoi-San council is situated, the Premier of the province within which the branch is situated must, by notice in the relevant Provincial *Gazette* and after consultation with the Premier of the province where the Khoi-San council is situated, recognise the branch head concerned.

(b) The provisions of subsection (5)*(b)* and *(c)* apply to the recognition of a branch head in terms of paragraph *(a)*.

(7) Where there is evidence or an allegation that the election or identification of a person referred to in subsection (1) was not done in accordance with the rules and procedures contemplated in subsection (3) or customary law and customs, the Premier concerned—

(a) must cause an investigation to be conducted by an investigative committee designated by the Premier which committee must include at least one Khoi-San member of the provincial house, to provide a report on whether the identification or election of the person referred to in subsection (1) was done in accordance with customary law and customs or the rules and procedures contemplated in subsection (3) and if not, which person should be so identified or whether a new election should be held; and

(b) must, where the findings of the investigative committee indicate that the identification or election of the person referred to in subsection (1) was not done in terms of customary law and customs or the rules and procedures contemplated in subsection (3), refer the report contemplated in paragraph *(a)* to the royal family or Khoi-San council, as the case may be, for its comments.

(8) The Premier concerned may, after having considered the report of the investigative committee as well as the comments of the royal family or Khoi-San council—

(a) recognise a person as a senior Khoi-San leader or a branch head; or

(b) advise the Khoi-San council that the election of a senior Khoi-San leader or branch head was not done in terms of customary law and customs or in accordance with the rules and procedures contemplated in subsection (3) and that a re-election must be held within the time determined by the Premier.

(9) *(a)* A Premier must on an annual basis, or when requested by the Minister, provide the Minister with a report on the recognition of Khoi-San leaders and branch heads.

(b) A copy of the report referred to in paragraph *(a)* must be submitted to the relevant provincial house for noting.

Withdrawal of recognition of senior Khoi-San leader or branch head

11. (1) The recognition of a senior Khoi-San leader or branch head, subject to the provisions of subsection (2)—

(a) must be withdrawn if he or she—
(i) has been convicted of an offence with a sentence of imprisonment for more than 12 months without the option of a fine;
(ii) is declared mentally unfit or mentally disordered by a court; or
(b) may be withdrawn if he or she—
(i) has been removed from office in terms of the code of conduct; or
(ii) has transgressed customary law or customs,
on a ground that warrants withdrawal of recognition; and
(c) must be withdrawn if so ordered by a court.

(2) *(a)* Whenever any of the grounds referred to in subsection (1) come to the attention of the royal family or Khoi-San council, as the case may be, the royal family or Khoi-San council must, within 90 days from the date of becoming aware of such grounds and through the relevant customary structure inform the Premier of the province where the royal family or branch is situated of the particulars of such senior Khoi-San leader or branch head and of the particulars relating to the specific ground referred to in subsection (1).

(b) Whenever any of the grounds referred to in subsection (1)*(b)* come to the attention of the royal family or Khoi-San council, the royal family or Khoi-San council may recommend the withdrawal of the recognition of the senior Khoi-San leader or branch head and must furnish the Premier with reasons for such recommendation.

(3) *(a)* When the Premier is informed of the presence of any of the grounds referred to in subsection (1)*(a)*, the Premier must, subject to subsections (4) and (5), withdraw the recognition of the relevant senior Khoi-San leader or branch head.

(b) When the Premier is informed of the presence of any of the grounds referred to in subsection (1)*(b)*, the Premier may—
(i) after having considered the information referred to in subsection (2)*(a)*; and
(ii) where applicable, after having considered any recommendation and reasons as contemplated in subsection (2)*(b)*,
withdraw the recognition of the senior Khoi-San leader or branch head or refuse to withdraw such recognition: Provided that if the Premier refuses to withdraw such recognition, he or she must in writing provide reasons to the royal family or Khoi-San council, as the case may be.

(4) When the Premier withdraws the recognition of a senior Khoi-San leader or branch head, the Premier must—
(a) cause a notice with particulars of such senior Khoi-San leader or branch head and the date on which such withdrawal takes effect to be published in the Provincial *Gazette*; and
(b) inform the royal family or Khoi-San council concerned and the senior Khoi-San leader or branch head concerned of such withdrawal.

(5) *(a)* Where there is evidence or an allegation that the withdrawal of the recognition of a senior Khoi-San leader or branch head was not based on any of the grounds set out in subsection (1), or that the information which was brought to the Premier's attention in accordance with subsection (2)*(a)* was provided in bad faith, or that a recommendation made by the royal family or Khoi-San council as contemplated in subsection (2)*(b)* was done in bad faith, the Premier must cause an investigation to be conducted by an investigative committee designated by the Premier which committee must include at least one Khoi-San member of the relevant provincial house, to provide a report as well as recommendations on whether the withdrawal of the recognition of the senior Khoi-San leader or branch head was done in accordance with the grounds set out in subsection (1), or whether the information brought to the attention of the Premier was done in bad faith or not, or whether the recommendation of the royal family or Khoi-San council was made in bad faith or not.

(b) Where the report of the investigative committee indicates that the withdrawal of the recognition of the senior Khoi-San leader or branch head was not done in accordance with any of the grounds set out in subsection (1), or that the information brought to the Premier's attention was done in bad faith, or that the recommendation of the royal family or Khoi-San council was made in bad faith, the Premier must refer the report to the royal family or Khoi-San council, as the case may be, for its comments and the royal family or Khoi-San council must provide the Premier with written comments within 60 days from the date of referral.

(c) The Premier may, after having considered the report of the investigative committee as well as the comments of the royal family or Khoi-San council where applicable—

(i) refuse to withdraw the recognition of a senior Khoi-San leader or branch head if the information provided or the recommendations made by the royal family or Khoi-San council were done in bad faith; or

(ii) by notice in the Provincial *Gazette*, confirm the withdrawal of recognition of the senior Khoi-San leader or branch head concerned or revoke such withdrawal of recognition: Provided that if the withdrawal of recognition is revoked, the relevant senior Khoi-San leader or branch head shall consequentially be regarded as reinstated from the date on which the recognition was withdrawn.

(6) If a senior Khoi-San leader or branch head whose recognition has been withdrawn—

(a) occupied a position of hereditary leadership as contemplated in section 7(2)*(e)*(i), a successor or an acting senior Khoi-San leader as contemplated in section 13(1), as the case may be, must be identified by the royal family in accordance with the provisions of section 10 or 13 respectively; or

(b) was elected as contemplated in section 7(2)*(e)*(ii), a successor must be elected by the Khoi-San council in accordance with the provisions of section 10: Provided that a person elected as branch head in terms of this paragraph is elected for the unexpired term of his or her predecessor.

(7) *(a)* Where the royal family or Khoi-San council, as the case may be, recommended the withdrawal of the recognition of a branch head who resides in a province other than the province where the Khoi-San council is situated, the Premier of the province where the Khoi-San council is situated must request the Premier of the province that recognised the branch head to withdraw the recognition of such branch head.

(b) The provisions of subsections (4) and (5) apply to a withdrawal in terms of paragraph *(a)*.

Recognition of regent

12. (1) Where the hereditary successor to the position of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader identified in terms of sections 8 or 10, as the case may be, is regarded as a minor—

(a) the royal family concerned must, within 90 days of the death of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader—

(i) identify a regent to assume leadership on behalf of the minor, after taking into account whether, in the case of a regent to the position of a king, queen, principal traditional leader, senior traditional leader, headman or headwoman any of the grounds referred to in section 9(1) or 16(11)*(h)* or 16(14) apply to such regent, or whether, in the case of a regent to a senior Khoi-San leader, any of the grounds referred to in section 11(1) or 16(14) apply to such regent; and

(ii) through the relevant customary structure and with due regard to applicable customary law and customs, inform the Premier concerned of the particulars of the person identified as regent and the reasons for the identification of that person; and

(b) the Premier concerned must, with due regard to applicable customary law or customs and subject to subsections (2) and (3), recognise the regent identified by the royal family in respect of the position of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader:

Provided that the recognition of a regent must be reviewed by the Premier concerned at least every two years.

(2) Where the royal family fails to identify a regent as contemplated in subsection (1), the Premier must, after consultation with the royal family and after taking into account whether any of the grounds contemplated in subsection (1)*(a)*(i) apply to such person, identify a suitable person as regent.

(3) Whenever a Premier recognises a regent as contemplated in subsection (1), he or she must—

(a) publish a notice in the relevant Provincial *Gazette* recognising the person identified as regent in terms of subsection (1);

(b) issue a certificate of recognition to the identified regent; and

(c) inform the relevant provincial house of the recognition of a regent.

(4) A regent is responsible for the performance of the functions that are attached to the relevant position and is entitled to the salary and allowances attached to such position.

(5) The provisions of section 10(7) apply with the necessary changes in respect of a regent identified for a senior Khoi-San leader.

(6) Where there is evidence or an allegation that the identification of a person as regent was not done in accordance with customary law or customs, the Premier concerned—

(a) must cause an investigation to be conducted by an investigative committee designated by the Premier which committee must include at least one member of the relevant provincial house, to provide a report on whether the identification of the person referred to in subsection (1) was done in accordance with customary law and customs and if not, which person should be so identified; and

(b) must, where the findings of the investigative committee indicate that the identification of the person referred to in subsection (1) was not done in terms of customary law and customs, refer the report contemplated in paragraph *(a)* to the royal family for its comments.

(7) The Premier concerned may, after having considered the report of the investigative committee as well as the comments of the royal family, recognise a person as a regent.

(8) As soon as the successor to the position of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader ceases to be a minor, the regent recognised in terms of subsection (1) must relinquish his or her position as regent, and the rightful successor—

(a) in the case of a king or queen, must be recognised by the President after consultation with the Minister as contemplated in section 8(1)*(b)*, and a certificate of recognition as contemplated in section 8(3)*(b)* must be issued after his or her name has been published in the *Gazette*;

(b) in the case of a principal traditional leader, senior traditional leader, headman or headwoman, must be recognised by the Premier concerned in terms of section 8(1)*(c)* or 8(2)*(d)*, as the case may be, and a certificate of recognition contemplated in section 8(3)*(b)* must be issued after his or her name has been published in the relevant Provincial *Gazette*; or

(c) in the case of a senior Khoi-San leader, must be recognised by the Premier concerned in terms of section 10(5)*(a)*, and a certificate of recognition contemplated in section 10(5)*(b)* must be issued after his or her name has been published in the relevant Provincial *Gazette*.

(9) Where a regent has been recognised in respect of the position of a king or queen, the Premier concerned must inform the President and the Minister—

(a) of the particulars of the regent;

(b) when the regent is supposed to relinquish his or her position as regent; and

(c) if applicable, of the withdrawal of the recognition of the regent.

(10) If the successor to the position of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader dies while still being a minor, the regent automatically and immediately relinquishes his or her position.

(11) In instances where—

(a) the position of a king, queen, senior traditional leader, headman, headwoman or senior Khoi-San leader has been recognised for the first time in terms of sections 8 or 10, as the case may be;

(b) such leadership position is regarded as hereditary in nature; and

(c) the person identified or elected to assume such leadership position is a minor,

the provisions of this section apply with the necessary changes.

Recognition of acting traditional and Khoi-San leaders

13. (1) Within 90 days of becoming aware of any of the instances mentioned in subparagraphs (i), (ii) and (iii)—

(a) a royal family must identify a suitable person to act as a king, queen, principal traditional leader, senior traditional leader, headman or headwoman, after taking into account whether any of the grounds referred to in section 9(1) or 16(11)*(h)* or 16(14) apply to such person; or

(b) a royal family or Khoi-San council, as the case may be, must identify a suitable person to act as a senior Khoi-San leader or branch head, as the case

may be, after taking into account whether any of the grounds referred to in section 11(1) or 16(14) apply to such a person,

where—

(i) a successor—
(aa) to the hereditary position of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader has not been identified by the royal family concerned in terms of section 8 or 10, as the case may be; or
(bb) to the position of senior Khoi-San leader or branch head has not been elected by the Khoi-San council as contemplated in section 10(1)*(b)*;

(ii) the identification of a successor to the position of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head is being dealt with in terms of section 8(4) or 10(7), as the case may be; or

(iii) a king, queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head, as the case may be, is unable to perform his or her functions under circumstances other than those provided for in section 14 for—
(aa) the treatment of illness for a period of more than three months;
(bb) study purposes for a period of more than three months; or
(cc) any other lawful purpose.

(2) Where the royal family or Khoi-San council fails to identify a suitable person as contemplated in subsection (1), the Premier must, after consultation with the royal family or Khoi-San council, as the case may be, and after taking into account whether any of the grounds contemplated in subsection (1) apply to such person, identify a suitable person to act as a king, queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head, as the case may be.

(3) Where a person has been identified to act as a king, queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head, the royal family or Khoi-San council, as the case may be, must, within seven days of the identification of an acting person, inform the Premier concerned of the particulars of the person so identified and the reasons for the identification of that person.

(4) A person identified to act as a king, queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head must, subject to subsection (5), be recognised by the Premier concerned by notice in the relevant Provincial *Gazette* and the Premier must—

(a) issue a certificate of recognition to the person identified to act in a particular position; and

(b) inform the Minister of the recognition of an acting king or queen and inform the relevant provincial house of the recognition of any other acting leader:

Provided that an acting recognition must be reviewed at least every two years by the Premier concerned.

(5) *(a)* Where there is evidence or an allegation that the identification of a person as acting king, queen, principal traditional leader, senior traditional leader, headman or headwoman was not done in accordance with customary law or customs, the Premier concerned—

(i) must cause an investigation to be conducted by an investigative committee designated by the Premier which committee must include at least one member of the relevant provincial house, to provide a report on whether the identification of the person referred to in subsection (1) was done in accordance with customary law and customs and if not, which person should be so identified; and

(ii) must, where the findings of the investigative committee indicate that the identification of the person referred to in subsection (1) was not done in terms of customary law and customs, refer the report contemplated in subparagraph (i) to the royal family for its comments.

(b) The provisions of section 10(7) apply with the necessary changes in respect of the identification of an acting senior Khoi-San leader or branch head.

(6) A person who has been recognised as an acting king, queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head in terms of this section, is responsible for the performance of the functions that are attached to the relevant position and is entitled to the salary and allowances attached to such position: Provided that the king, queen, principal traditional leader,

senior traditional leader, headman, headwoman, senior Khoi-San leader and branch head in whose stead a person has been recognised to act in terms of this section, is not entitled to any salary and allowances attached to the relevant position for the duration of the recognition of the person so acting.

(7) Where a person has been identified as an acting king or queen, the Premier concerned must inform the President and the Minister of—

(a) the acting recognition; and

(b) if applicable, the withdrawal of recognition of the person who has been identified as an acting king or queen.

(8) Whenever the successor to a leadership position has been identified or elected as contemplated in subparagraph (i) of subsection (1), or an investigation as contemplated in subparagraph (ii) of subsection (1) has been finalised, or the circumstances referred to in subparagraph (iii) of subsection (1) are no longer applicable, any relevant acting recognition shall automatically lapse on the date on which the relevant leader referred to in subparagraph (i) or (ii) of subsection (1) is recognised by notice in the *Gazette* or Provincial *Gazette*, as the case may be, or the date on which the leader referred to in subparagraph (iii) of subsection (1) resumes his or her functions.

Recognition of deputy traditional and Khoi-San leaders

14. (1) Any senior traditional leader, headman or headwoman who occupies a hereditary position must, with the concurrence of the relevant royal family, within 90 days of any of the circumstances set out in paragraphs *(a)* to *(f)* occurring, identify a deputy to act in his or her stead whenever that senior traditional leader, headman or headwoman—

(a) becomes a full-time member of a municipal council;

(b) is elected as a member of a provincial legislature;

(c) is elected as a member of the National Assembly;

(d) is appointed as a permanent delegate in the National Council of Provinces;

(e) holds a full-time position in any house of traditional and Khoi-San leaders; or

(f) is employed on a full-time basis by any employer:

Provided that such senior traditional leader, headman or headwoman must, prior to the identification of a deputy, take into account whether any of the grounds referred to in section 9(1) or 16(11)*(h)* or 16(14) apply to such deputy.

(2) Where the senior traditional leader, headman or headwoman fails to identify a suitable person as contemplated in subsection (1), the Premier must, after consultation with the relevant leader and royal family, and after taking into account whether any of the grounds contemplated in subsection (1) apply to such person, identify a suitable person as deputy.

(3) A hereditary senior Khoi-San leader must, with the concurrence of the relevant royal family, within 90 days of any of the circumstances set out in subsection (1)*(a)* to *(f)* occurring, identify a suitable person as deputy to act in the stead of that senior Khoi-San leader: Provided that such senior Khoi-San leader must, prior to the identification of a deputy, take into account whether any of the grounds referred to in section 11(1) or 16(14) apply to such a person.

(4) Where the senior Khoi-San leader fails to identify a suitable person as contemplated in subsection (3), the Premier must, after consultation with the relevant leader and royal family, and after taking into account whether any of grounds contemplated in subsection (1) apply to such person, identify a suitable person as deputy.

(5) A royal family referred to in subsection (1) or (3) must, within seven days of the identification of a deputy and through the relevant customary structure, inform the Premier concerned of the particulars of the person identified as deputy traditional leader in terms of subsection (1) or deputy senior Khoi-San leader in terms of subsection (3), and the reasons for the identification of that person.

(6) The Premier concerned may, with due regard to applicable customary law or customs and subject to subsection (8), recognise the deputy identified in terms of subsection (1) or (3) and must—

(a) issue a certificate of recognition to such deputy traditional leader or deputy senior Khoi-San leader; and

(b) inform the relevant provincial house of the recognition of such deputy leader:

Provided that the recognition of a person as a deputy shall automatically lapse with effect from the date that the senior traditional leader, headman, headwoman or senior Khoi-San leader ceases to occupy a position referred to in subsection (1).

(7) The provisions of section 10(7) apply with the necessary changes in respect of the identification of a deputy senior Khoi-San leader.

(8) Where there is evidence or an allegation that the identification of a person as deputy senior traditional leader, headman or headwoman was not done in accordance with customary law or customs, the Premier concerned—

(a) must cause an investigation to be conducted by an investigative committee designated by the Premier which committee must include at least one member of the relevant provincial house, to provide a report on whether the identification of the person referred to in subsection (1) was done in accordance with customary law and customs and if not, which person should be so identified; and

(b) must, where the findings of the investigative committee indicate that the identification of the person referred to in subsection (1) was not done in terms of customary law and customs, refer the report contemplated in paragraph *(a)* to the royal family for its comments.

(9) Any recognition in terms of this section must be reviewed by the Premier concerned at least every two years in order to establish whether the reasons for having identified and recognised a deputy are still applicable.

(10) A person who has been recognised as a deputy in terms of this section is responsible for the performance of the functions that are attached to the relevant position and is entitled to the salary and allowances attached to such position: Provided that the senior traditional leader, headman, headwoman or senior Khoi-San leader in whose stead a person has been recognised as deputy in terms of this section, is not entitled to any salary and allowances attached to the relevant position for the duration of the recognition of such deputy.

Functions and resources of traditional and Khoi-San leaders

15. (1) A traditional or Khoi-San leader performs the functions provided for—

(a) in terms of customary law and customs of the traditional or Khoi-San community concerned; and

(b) in terms of any applicable national or provincial legislation.

(2) The Minister may, taking into account a recommendation made by the Independent Commission for the Remuneration of Public Office-bearers in terms of section 8(4)*(c)* of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997), and after consultation with all Premiers, by notice in the *Gazette* determine the resources to be made available to traditional and Khoi-San leaders as may be necessary to enable them to perform their functions effectively.

Part 3

Traditional and Khoi-San councils

Establishment of kingship or queenship council, principal traditional council or traditional council

16. (1) Once the President has recognised a kingship or a queenship, or a community has been deemed to be a principal traditional community as contemplated in section 63(8)*(c)*, or the Premier has recognised a traditional community as contemplated in section 3, that kingship or queenship, principal traditional community or traditional community must, within a period of two years of such recognition or any such further period as the Minister, in the case of a kingship or a queenship, or a Premier, in the case of a principal traditional community or a traditional community, may determine by notice in the *Gazette* or Provincial *Gazette*, as the case may be, establish a kingship or queenship council, principal traditional council or traditional council, as the case may be: Provided that in any instance where a kingship or queenship, principal traditional community or traditional community has been recognised prior to the publication of the formula contemplated in subsection (2), the period of two years shall commence from the date of publication of such formula: Provided that the provisions of section 63(1)*(d)* and (4) apply in respect of a kingship or queenship council, principal traditional council and traditional council that was established prior to the commencement of this Act.

(2) *(a)* A kingship or queenship council, a principal traditional council and a traditional council consists of the number of members as determined by the Minister, by formula published by notice in the *Gazette* after consultation with—

(i) in the case of a kingship or queenship council or principal traditional council—
  (aa) the king or queen, or principal traditional leader, as the case may be;
  (bb) a forum of not more than five members of the royal family designated by the royal family; and
  (cc) a forum of not more than 20 senior traditional leaders under the kingship or queenship or principal traditional community, designated by the senior traditional leaders from amongst themselves;

(ii) in the case of a traditional council, the relevant Premiers and provincial houses:

Provided that the formula must be published in the *Gazette* within two years from the date of commencement of this Act.

(b) At least a third of the members of a kingship or queenship council, principal traditional council or traditional council must be women: Provided that if this requirement cannot be met, the Minister may determine a lower threshold for the particular kingship or queenship council or the relevant Premier may determine a lower threshold for the particular principal traditional council or traditional council.

(c) The membership of a kingship or queenship council, principal traditional council or traditional council comprises—

(i) 60% of traditional leaders and members of the traditional community selected, subject to subsection (3) and in terms of that community's customs, by the king or queen, principal traditional leader or senior traditional leader who is an *ex officio* member and chairperson of the relevant council, taking into account the need for overall compliance with paragraph *(b)*: Provided that if, in the case of traditional councils, there are no recognised headmen or headwomen, only community members must be selected; and

(ii) 40% of members elected in terms of paragraph *(f)* in the case of a kingship or queenship council or principal traditional council, or elected in terms of section 21 in the case of a traditional council.

(d) The selection of the members of a kingship or queenship council, principal traditional council or traditional council as contemplated in this section must be finalised before the election of members as contemplated in this section, and the names of such selected members must be made public within 14 days from the date of such selection: Provided that any election in the case of a kingship or queenship council or principal traditional council must take place within 28 days of the names of the selected members having been made public and, in the case of a traditional council, within 21 days of the names of the selected members having been made public.

(e) A kingship or queenship, principal traditional community or traditional community must, within 14 days of the date of an election, submit the names of the members that have been selected and elected to the Premier concerned.

(f) Each traditional council falling within the area of jurisdiction of the kingship or queenship or principal traditional community concerned, must elect one person from the elected members of that council, to serve as a member referred to in paragraph *(c)*(ii): Provided that where the number of persons so elected are less than the number of members contemplated in paragraph *(c)*(ii), the traditional councils must each elect one additional person from amongst the elected members of that council: Provided further that where the number of persons so elected exceed the number of members contemplated in paragraph *(c)*(ii), the persons elected by the traditional councils must elect from amongst themselves the number of persons contemplated in paragraph *(c)*(ii).

(3) *(a)* A forum of not more than five members of the royal family designated by the royal family, must assist the king or queen, principal traditional leader or senior traditional leader, as the case may be, with the selection contemplated in subsection (2)*(c)*(i).

(b) The selection of the members contemplated in subsection (2)*(c)*(i) by a king or queen, principal traditional leader or senior traditional leader is subject to the concurrence of the forum referred to in paragraph *(a)*.

(c) If there is no concurrence as referred to in paragraph *(b)*, the king or queen, principal traditional leader or senior traditional leader, as the case may be, must submit the names of the persons who were nominated for selection as contemplated in paragraph *(a)* to the Premier concerned and the Premier must, after consultation with such leader and the forum referred to in paragraph *(a)*, select the required number of members as contemplated in subsection (2)*(c)*(i).

(4) *(a)* (i) The term of office of the members of a traditional council, excluding the senior traditional leader, is not more than five years and must be aligned to the term of office of the National House: Provided that, notwithstanding anything to the contrary contained in any law, the term of any traditional council that was established and constituted prior to the commencement of this Act, will, subject to section 63(18), expire on 31 March 2027: Provided further that any term of office of any such council constituted or established prior to or after the commencement of this Act, shall expire every five years on 31 March, calculated from 31 March 2027.

(ii) The term of office of the members of a kingship or queenship council or a principal traditional council, excluding the king or queen or principal traditional leader, is not more than five years and must be aligned to the term of office of the National House: Provided that, notwithstanding anything to the contrary contained in any law, the term of any kingship or queenship council or principal traditional council that was established and constituted prior to the commencement of this Act, will, subject to section 63(17), expire on 30 April 2027: Provided further that any term of office of any such council constituted or established prior to or after the commencement of this Act, shall expire every five years on April, calculated from 30 April 2027.

(b) The selection of members in terms of subsection (2)*(c)*(i) must, in the case of a kingship or queenship council or principal traditional council, be finalised at least 60 days prior to the expiry of the term of office of members of such council, and in the case of a traditional council, at least 45 days prior to the expiry of the term of office of the members of such council.

(5) *(a)* The Premier concerned must, by notice in the relevant Provincial *Gazette* and in accordance with this Act, recognise a kingship or queenship council, principal traditional council or traditional council for such kingship or queenship, principal traditional community or traditional community and define its area of jurisdiction, indicating the portions of land forming part of such area of jurisdiction, and having regard to the provisions of section 3(1)*(b)* and (2)*(a)* in the case of a kingship or queenship: Provided that the Premier must inform the President and the Minister of any recognition of a kingship or queenship council: Provided further that the area of jurisdiction of a traditional council must include the area of a traditional sub-council, where applicable.

(b) The notice referred to in paragraph *(a)* must contain the names of the council members.

(c) The area of jurisdiction contemplated in paragraph *(a)* must be mapped and such map must be published under the notice referred to in paragraph *(a)*.

(6) A kingship or queenship council, a principal traditional council and a traditional council convenes at the administrative seat of the particular council.

(7) The quorum of a kingship or queenship council, principal traditional council or traditional council consists of the majority of the total number of members of such council: Provided that for the purposes of determining such quorum, the total number of members excludes any vacancies.

(8) A kingship or queenship council, principal traditional council or traditional council must elect one of its members as a deputy chairperson who will act as the chairperson in the absence of the king or queen, principal traditional leader or senior traditional leader, as the case may be.

(9) *(a)* A kingship or queenship council or principal traditional council must meet once every three months and a traditional council must meet every two months: Provided that the king or queen, principal traditional leader or senior traditional leader, as the case may be, may, with the concurrence of the relevant Premier, convene any additional ordinary or any special meeting of the relevant council.

(b) A king, a queen or a principal traditional leader must at least once a year meet with all senior traditional leaders falling under such kingship, queenship or principal traditional leadership.

(10) A king or queen, principal traditional leader or senior traditional leader, as the case may be, must, for purposes of convening a special meeting, give notice of not less than seven days to members of the kingship or queenship council, principal traditional council or traditional council.

(11) A member of a kingship or queenship council, principal traditional council or traditional council must vacate his or her office if—

(a) he or she ceases to be a South African citizen;

(b) he or she has been convicted of an offence and sentenced to imprisonment for more than 12 months without the option of a fine;

(c) he or she tenders his or her resignation;
(d) he or she is declared mentally unfit or mentally disordered by a court;
(e) the period for which the member was selected or elected, as the case may be, has expired;
(f) he or she becomes disqualified in terms of subsection (14);
(g) he or she has been removed from office in terms of the code of conduct;
(h) he or she no longer resides within the area of jurisdiction of the kingship or queenship council, principal traditional council or traditional council, as the case may be; or
(i) he or she is a selected member and his or her recognition as a traditional leader has been withdrawn.

(12) If a member of a kingship or queenship council, principal traditional council or traditional council dies or vacates his or her office before the expiration of his or her term of office, such a vacancy must be filled in the manner referred to in subsection (2)*(c)*(i) or (ii), as the case may be, within 90 days of the vacancy having arisen.

(13) A person who has been appointed to fill a vacancy in a kingship or queenship council, principal traditional council or traditional council as contemplated in subsection (12), holds office for the unexpired period of his or her predecessor's term of office.

(14) A person is not eligible to be elected or selected as a member of a kingship or queenship council, principal traditional council or traditional council if that person—

(a) is not a South African citizen;
(b) is under 18 years of age;
(c) has been convicted of an offence in respect of which he or she was sentenced to imprisonment for more than 12 months without the option of a fine;
(d) is an unrehabilitated insolvent or has entered into a compromise with his or her creditors;
(e) is of unsound mind and has been so declared by a competent court;
(f) is or becomes a full-time member of a municipal council;
(g) is elected as a member of a provincial legislature;
(h) is elected as a member of the National Assembly;
(i) is appointed as a permanent delegate in the National Council of Provinces;
(j) is elected to a full-time position in any house of traditional leaders; or
(k) does not reside within the area of jurisdiction of the kingship or queenship council, principal traditional council or traditional council, as the case may be.

(15) *(a)* The withdrawal of the recognition of a kingship or queenship, principal traditional community or traditional community in terms of section 4, automatically results in the disestablishment of the relevant kingship or queenship council, principal traditional council or traditional council and the withdrawal of the recognition of the relevant king or queen, principal traditional leader or senior traditional leader.

(b) The disestablishment of a kingship or queenship council, principal traditional council or traditional council must be done by the Premier concerned by notice in the relevant Provincial *Gazette*.

(16) The notice referred to in subsection (15)*(b)* must stipulate the legal, practical and other consequences of the disestablishment of a kingship or queenship council, principal traditional council or traditional council, including the transfer of assets, liabilities, staff, administrative and other records, taking into account any applicable legislation.

(17) Any provision of this Act that relates to the establishment of a kingship or queenship council, principal traditional council, traditional council or traditional sub-council, apply to the initial establishment of such a council or sub-council and any subsequent reconstitution of the council or sub-council following the expiry of any term thereof: Provided that, subject to subsection (18) or (19), as the case may be, the provisions of subsection (5) and section 17(2) relating to areas of jurisdiction do not apply to the reconstitution of such a council or sub-council.

(18) Whenever the area of jurisdiction of a traditional council is to be amended, the Premier must, after consultation with the relevant traditional council and municipal council, by notice in the Provincial *Gazette* redefine such area of jurisdiction.

(19) Whenever the area of jurisdiction of a traditional sub-council is to be amended, the Premier must, after consultation with the relevant traditional council and sub-council, by notice in the Provincial *Gazette* redefine such area of jurisdiction.

Establishment of traditional sub-council

17. (1) *(a)* Notwithstanding the provisions of section 16, the Premier concerned may at the request of a traditional council, in cases where a traditional community occupies two or more non-contiguous geographical areas within a province, establish a traditional sub-council for the geographical area which is located outside the area where the administrative seat of the traditional community is situated, if the Premier is of the view that such establishment will improve the effective administration of the traditional community.

(b) A traditional sub-council consists of the number of members as determined by the Premier concerned, after consultation with the main traditional council.

(2) The Premier concerned must, subject to the provisions of section 16(5), (17) and (19), by notice in the relevant Provincial *Gazette* recognise a traditional sub-council as part of the main traditional council and define its area of jurisdiction, indicating the portions of land forming part of such area of jurisdiction, which area must be mapped and such map must be published under such notice.

(3) *(a)* At least a third of the members of a traditional sub-council must be women.

(b) The members of a traditional sub-council must comprise of—

(i) 60% traditional leaders and members of the traditional sub-community, selected by the senior traditional leader concerned, in terms of that community's customs, taking into account the need for overall compliance with paragraph *(a)*: Provided that if there are no recognised headmen or headwomen, only community members must be selected; and

(ii) 40% of members of the traditional sub-community who are elected by members of the traditional sub-community in accordance with the provisions of section 21.

(4) The provisions of section 16(2)*(b)* and *(d)* apply to the constitution and composition of a traditional sub-council and any reference in the said paragraphs to members of a traditional council shall be construed as a reference to members of a traditional sub-council.

(5) The chairperson of a traditional sub-council must be elected by the members of such sub-council.

(6) A chairperson elected in terms of subsection (5) must be a member of the traditional council.

(7) The term of office of members of a traditional sub-council is not more than five years and must be aligned with the term of office of the relevant traditional council: Provided that, notwithstanding anything to the contrary contained in any law, the term of any traditional sub-council that was established and constituted prior to the commencement of this Act, will, subject to section 63(17), expire on 30 April 2027: Provided further that any term of office of any such sub-council constituted or established prior to or after the commencement of this Act, shall expire every five years on 30 April, calculated from 30 April 2027.

(8) *(a)* A traditional sub-council must meet every two months and performs the functions referred to in section 20 as may be delegated to it by the traditional council concerned.

(b) A traditional sub-council must, in the format and within the timeframes as determined by the traditional council, submit a report to the traditional council on the performance of the functions delegated to it.

(9) *(a)* The withdrawal of the recognition of a community as a traditional community in terms of section 4, automatically results in the disestablishment of the traditional sub-council concerned.

(b) If, after consultation with a traditional council, a Premier is of the opinion that a traditional sub-council is no longer contributing to the effective administration of that traditional community, the Premier may withdraw the recognition of such traditional sub-council.

(c) The withdrawal of the recognition of a traditional sub-council must be done by the Premier concerned by notice in the relevant Provincial *Gazette*.

(d) The provisions of section 16(16) apply with the necessary changes to the withdrawal of the recognition of a traditional sub-council.

Establishment of Khoi-San council

18. (1) Once a Premier or the Minister has recognised a Khoi-San community in accordance with the provisions of section 5 or 58 respectively, that community must within a period of two years of such recognition or any further period as the Premier may determine by notice in the Provincial *Gazette*, establish a Khoi-San council: Provided that in any instance where a Khoi-San community has been recognised prior to the

publication of the formula contemplated in subsection (2)*(a)*, the period of two years shall commence from the date of publication of such formula.

(2) *(a)* A Khoi-San council consists of the number of members determined by the Minister by formula published in the *Gazette*, after consultation with all Premiers: Provided that the formula must be published in the *Gazette* within two years from the date of commencement of this Act.

(b) The members of a Khoi-San council must comprise of—

(i) 60% of members which consists of—

(aa) the senior Khoi-San leader concerned who is an *ex officio* member and chairperson of the Khoi-San council; and

(bb) where the main community has branches, branch heads: Provided that if the senior Khoi-San leader together with the branch heads is less than the required number of members, the senior Khoi-San leader must select the remainder from the members of the main community after consultation with the branch heads and, where there is a royal family, must also select from members of the royal family with the concurrence of a forum as contemplated in subparagraph *(cc)*: Provided further that if the number of branch heads are more than the required number of members, the branch heads must elect the required number from amongst themselves, ensuring provincial representation; or

(cc) where the main community has no branches, the senior Khoi-San leader must, where applicable, with the concurrence of a forum of not less than five and not more than 10 members designated by the royal family, select the required number of members from the members of the royal family and members of the main community, or where there is no royal family, the senior Khoi-San leader must select the required number of members from the main community only: Provided that the provisions of section 16(3)*(c)* shall apply with the necessary changes to instances where there is no concurrence;

(ii) 40% of members which consist of members of the main community who are elected by the main community in accordance with the provisions of section 21.

(3) The Premier concerned must, by notice in the relevant Provincial *Gazette*, recognise a Khoi-San council for a Khoi-San community and indicate the administrative seat of such Khoi-San council.

(4) The jurisdiction of a Khoi-San council will apply only to the members of the Khoi-San community contemplated in section 5(1) and (3).

(5) The provisions of section 16(2)*(b)*, *(d)* and *(e)*, (5)*(b)*, (7), (8), (11), (14)*(a)* to *(j)*, (15) and (16) apply to a Khoi-San council and any reference in the said section to a traditional council, senior traditional leader and headmen or headwomen shall, respectively, be construed as a reference to a Khoi-San council, senior Khoi-San leader and branch head.

(6) Any provision of this Act that relates to the establishment of a Khoi-San council applies to the initial establishment of such a council and any subsequent reconstitution of the council following the expiry of any term thereof.

(7) A Khoi-San council must meet every three months: Provided that the senior Khoi-San leader may, with the concurrence of the Premier of the province where such council is recognised, convene any additional ordinary or any special meeting of the relevant council: Provided further that for the purposes of convening a special meeting, the senior Khoi-San leader must give notice of not less than seven days to the members of the relevant Khoi-San council.

(8) The term of office of the members of a Khoi-San council, excluding the senior Khoi-San leader, is, subject to section 63(19), not more than five years and must be aligned to the term of office of the National House: Provided that any term of office of any such council established prior to or after the commencement of this Act, shall expire every five years on 31 March, calculated from 31 March 2032.

Functions of kingship or queenship council and principal traditional council

19. (1) A kingship or queenship council and principal traditional council have the following functions:

(a) Administering the affairs of the kingship or queenship or principal traditional community in accordance with customary law and customs;
(b) assisting, supporting and guiding senior traditional leaders and traditional councils falling within the jurisdiction of the kingship or queenship or principal traditional community concerned in the performance of their functions;
(c) assisting the king or queen, or principal traditional leader in performing customary functions in relation to the recognition of senior traditional leaders, where applicable;
(d) assisting the king or queen, or principal traditional leader in mediating disputes between senior traditional leaders falling within the jurisdiction of the kingship or queenship or principal traditional community;
(e) promoting unity between traditional communities falling under the jurisdiction of the kingship or queenship or principal traditional community; and
(f) assisting the king or queen, or principal traditional leader in performing his or her roles and functions conferred upon him or her in terms of regulations made in accordance with the provisions of section 60.

(2) A kingship or queenship council or principal traditional council must—
(a) keep proper records;
(b) have its financial statements audited by a registered auditor as contemplated in the Auditing Profession Act, 2005 (Act No. 26 of 2005), and submit such audited statements to the Premier within two months from the date of receipt thereof;
(c) disclose to the Premier concerned, the receipt of gifts with a value above an amount as may be determined by the Minister by notice in the *Gazette*;
(d) adhere to the code of conduct; and
(e) advise and support all traditional councils falling under its authority.

(3) *(a)* If an audit contemplated in subsection (2)*(b)* is not performed by the Auditor-General, the Auditor-General may review any such audit.

(b) If any kingship or queenship council or principal traditional council does not have its financial statements audited as contemplated in subsection (2)*(b)*, the accounting officer of the provincial department responsible for providing financial support to such council may withhold any financial support to such council or impose any other appropriate sanction on the council.

Functions of traditional council, traditional sub-council, Khoi-San council and branch

20. (1) A traditional council, a traditional sub-council subject to section 17(8), a Khoi-San council and a branch have the following functions:
(a) Administering the affairs of the traditional or Khoi-San community in accordance with customs and tradition;
(b) assisting, supporting and guiding traditional and Khoi-San leaders in the performance of their functions;
(c) supporting municipalities in the identification of community needs;
(d) facilitating the involvement of the traditional or Khoi-San community in the development or amendment of the integrated development plan of a municipality in whose area that community resides;
(e) recommending, after consultation with the relevant local and provincial houses, appropriate interventions to government that will contribute to development and service delivery within the area of jurisdiction of the traditional council or within the municipal area where the administrative seat of the Khoi-San council is;
(f) participating in the development of policy and legislation at a municipal level;
(g) participating in development programmes of the local, provincial and national spheres of government;
(h) promoting the ideals of co-operative governance, integrated development planning, sustainable development and service delivery;
(i) promoting indigenous knowledge systems for sustainable development and disaster management;
(j) alerting any relevant municipality to any hazard or calamity, and contributing to disaster management in general;

(k) sharing information and co-operating with other traditional and Khoi-San councils; and

(l) performing the functions conferred by customary law, customs and statutory law consistent with the Constitution.

(2) A traditional and Khoi-San council must—

(a) keep proper records;

(b) have its financial statements audited by a registered auditor as contemplated in the Auditing Profession Act, 2005 (Act No. 26 of 2005), and submit such audited statements to the Premier within two months from the date of receipt thereof;

(c) disclose to the Premier concerned, the receipt of gifts with a value above an amount as may be determined by the Minister by notice in the *Gazette*; and

(d) adhere to the code of conduct.

(3) A traditional and Khoi-San council must—

(a) co-operate with any relevant ward committee established in terms of section 73 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); and

(b) respectively meet at least once a year with the relevant traditional or main Khoi-San community to give account of the activities and finances of the traditional or Khoi-San council.

(4) *(a)* If an audit contemplated in subsection (2)*(b)* is not performed by the Auditor-General, the Auditor-General may review any such audit.

(b) If any traditional or Khoi-San council does not have its financial statements audited as contemplated in subsection (2)*(b)*, the accounting officer of the provincial department responsible for providing financial support to such council may withhold any financial support to such council or impose any other appropriate sanction on the council.

Election of members of traditional council, traditional sub-council and Khoi-San council and filling of vacancies

21. (1) Whenever a member of a traditional council, traditional sub-council or Khoi-San council is to be elected, the Premier concerned, after consultation with the relevant provincial house, may have such elections conducted—

(a) by the Electoral Commission established in terms of the Electoral Commission Act, 1996 (Act No. 51 of 1996), if the Electoral Commission and the Premier of the province concerned enters into an agreement in respect of such elections, which agreement must include provisions relating to the manner in which the elections are to be conducted: Provided that this paragraph does not apply to the filling of a vacancy that occurs during the term of office of the council concerned; or

(b) subject to subsection (2)—

(i) by way of a community meeting; or

(ii) by a body consisting of one or more persons appointed by the Premier.

(2) A Premier may, by notice in the relevant Provincial *Gazette*, make regulations in respect of—

(a) the elections as contemplated in subsection (1)*(b)* relating to the procedure to be followed and timeframes within which such elections must be conducted; and

(b) subject to the provisions of this Act, the filling of vacancies.

Administration of kingship or queenship council, principal traditional council, traditional council, Khoi-San council and traditional sub-council

22. (1) A kingship or queenship council, principal traditional council, traditional council, traditional sub-council and a Khoi-San council (in this section jointly referred to as a council) must endeavor to perform its statutory, financial and customary obligations in the best interest of its community and is accountable to the Premier concerned for the efficient and effective performance of such obligations.

(2) A Premier must monitor a council situated within his or her province so as to ensure the effective and efficient performance of that council's statutory, financial and customary obligations.

(3) If a Premier is of the view that a council does not or cannot fulfill a statutory, financial or customary obligation binding on that council, the Premier must—

(a) by written notice, request the council to provide the Premier with the information relating to the council's performance in respect of the obligation required in the notice; or

(b) if the Premier considers it necessary, designate a person or persons to investigate the matter.

(4) If, based on the information received or investigation conducted as contemplated in subsection (3), a Premier is satisfied that a council does not or cannot fulfill its statutory, financial or customary obligations, the Premier may intervene by appointing any person or persons for a period determined by the Premier in writing—

(a) to assist the council concerned to perform any or all of the statutory, financial and customary obligations assigned to such council; or

(b) to assume responsibility for any or all the statutory, financial and customary obligations of such council.

(5) If a person or persons are appointed in terms of subsection (4), the council concerned is divested of the specific or all of its statutory, financial and customary obligations, as the case may be.

(6) A person or persons appointed in terms of subsection (4) must be competent to perform either the statutory, financial or the customary obligations of such council or both, as the case may be.

(7) *(a)* A person or persons appointed in terms of subsection (4) must submit monthly written reports to the Premier concerned setting out the steps taken and progress made in respect of the performance of the specific or all of the council's statutory, financial and customary obligations, as the case may be.

(b) A Premier must submit copies of the reports contemplated in paragraph *(a)* to the National House and relevant provincial house for noting.

(8) An appointment made in terms of subsection (4) must be reviewed before the expiry of a period of 180 days: Provided that such a period may, as many times as the Premier concerned deems necessary to ensure the efficient and effective performance of the specific or all of the relevant council's statutory, financial and customary obligations, be renewed for a further period of 180 days and must be reviewed before the expiry of any such period of 180 days.

Support to kingship or queenship council, principal traditional council, traditional council, Khoi-San council and traditional sub-council

23. (1) The national government may and a provincial government must adopt such legislative or other measures as may be necessary to—

(a) support and strengthen the capacity of kingship or queenship councils, principal traditional councils, traditional councils, Khoi-San councils and traditional sub-councils to fulfil its functions, and such support includes the provision of administrative and financial support; and

(b) monitor and manage the finances of such councils: Provided that the Department must, subject to section 62, monitor the management of the finances of such council.

(2) The Premier of a province may, after consultation with a kingship or queenship council, principal traditional council, traditional council or Khoi-San council situated in the particular province—

(a) determine the number and remuneration levels of posts needed to perform the administrative, financial and related duties relevant to the functions of the specific council;

(b) determine any other conditions of service applicable to such posts; and

(c) appoint suitable persons in such posts in accordance with the recruitment procedures applicable to that provincial government or second officials from the provincial government to perform such duties.

(3) *(a)* For the purposes of subsection (1) a Premier must, in consultation with the relevant Provincial Treasury and subject to any legislative or other measures as contemplated in subsection (1), cause to be opened an account for each established council referred to in subsection (1) into which must be paid—

(i) all voluntary contributions made by members of the relevant community;

(ii) all moneys derived from any property owned or managed by such council;

(iii) any financial donation made to such council by any person, body or institution;

(iv) any moneys payable to the council in accordance with the provisions of a partnership or agreement as contemplated in section 24; and
(v) any other moneys as may be determined or agreed to by the Premier.

(b) For the purposes of the management of any account referred to in paragraph *(a)*, a Premier must, in consultation with the relevant Provincial Treasury and subject to paragraph *(c)* and any legislative or other measures as contemplated in subsection (1), determine—

(i) the financial systems and controls applicable to such account;
(ii) any conditions applicable to such account;
(iii) the investment of any moneys by the council concerned;
(iv) the payment of any expenditure by the council concerned;
(v) the purposes for which any moneys in such account may be used by the relevant council;
(vi) the closure of any other accounts, including a trust account but excluding a trust account as contemplated in section 10 of the Trust Property Control Act, 1988 (Act No. 57 of 1988), and the transfer of any moneys in such other account or trust account to the account contemplated in paragraph *(a)*;
(vii) the reporting requirements applicable to such account; and
(viii) any other measures as may be deemed necessary by the Premier to ensure the efficient and effective management of such account,

and may designate any official from the provincial government to assist the council concerned with the management of such account or to manage such account on behalf of the relevant council: Provided that for the purposes of subparagraphs (ii) to (vii) the Premier must consult the relevant council prior to making any determination as contemplated in those subparagraphs.

(c) The Minister must, in consultation with the Minister of Finance and after consultation with the Premiers, by notice in the *Gazette* determine the minimum standards to be complied with by a Premier for the purposes of paragraph *(b)*(i) to (vii).

(d) The financial year of any council contemplated in this section must be aligned to the financial year of the provincial department responsible for providing financial support to such council.

(4) *(a)* The provincial government of a province where a branch of a Khoi-San community has been recognised must adopt such legislative or other measures as may be necessary to provide administrative support to such branch: Provided that if a branch is situated in a province other than the province where the Khoi-San council has been recognised, the Premier of the province where the branch is situated must first consult the Premier of the province where the Khoi-San council is situated to ensure uniformity in the provisioning of such administrative support.

(b) The provincial government of a province where a branch of a Khoi-San community has been recognised is responsible for the financial expenditure in relation to the attendance of Khoi-San council meetings by the relevant branch head.

Partnerships and agreements

24. (1) The national government and provincial governments may, through legislative or other measures, regulate partnerships and agreements as contemplated in this section.

(2) Kingship or queenship councils, principal traditional councils, traditional councils, Khoi-San councils and traditional sub-councils may enter into partnerships and agreements with each other, and with—

(a) municipalities;
(b) government departments; and
(c) any other person, body or institution.

(3) Any partnership or agreement entered into by any of the councils contemplated in subsection (2) must be in writing and, notwithstanding the provisions of any other law,—

(a) must be beneficial to the community represented by such council;
(b) must, in addition to any other provisions, contain clear provisions on the responsibilities of each party and the termination of such partnership or agreement;
(c) is subject to—
(i) a prior consultation with the relevant community represented by such council;

(ii) a decision in support of the partnership or agreement taken by a majority of the community members present at the consultation contemplated in subparagraph (i); and

(iii) a prior decision of such council indicating in writing the support of the council for the particular partnership or agreement;

(d) is subject to ratification by the Premier of the province in which the relevant council is situated and will have no effect until such ratification has been obtained; and

(e) may not bind the state or any person, body or institution who is not a party to such partnership or agreement.

(4) Any partnership or agreement contemplated in subsection (2) must—

(a) be based on the principles of mutual respect and recognition of the status and roles of the respective parties; and

(b) be guided by and based on the principles of co-operative governance.

(5) Any council contemplated in subsection (2), may enter into a service delivery agreement with a municipality in accordance with the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and any other applicable legislation.

(6) A Premier must—

(a) monitor all partnerships and agreements as contemplated in this section and may take the necessary steps to ensure the effective and efficient implementation or termination thereof;

(b) provide the Minister with copies of all partnerships or agreements contemplated in subsection (3)*(d)* which copies must be kept by the Department in an appropriate database; and

(c) review all partnerships and agreements as contemplated in section 63(22).

(7) *(a)* A Premier, when considering the ratification of any partnership or agreement as contemplated in subsection (3)*(d)*, must be satisfied that the provisions of subsection (3)*(a)*, *(b)*, *(c)* and *(e)* have been complied with.

(b) If a Premier is of the opinion that a partnership or agreement does not comply with the provisions of subsection (3)*(a)*, *(b)*, *(c)* or *(e)*, the Premier must refer such partnership or agreement to the parties who entered into such partnership or agreement, together with his or her reasons for not ratifying the partnership or agreement, and request them to rectify any shortcomings as referred to in his or her reasons.

Allocation of roles to kingship or queenship council, principal traditional council, traditional council, Khoi-San council, traditional sub-council and traditional and Khoi-San leaders

25. (1) A department within the national or provincial sphere of government, as the case may be, may, through legislative or other measures provide a role for a kingship or queenship council, principal traditional council, traditional council, Khoi-San council, traditional sub-council and traditional and Khoi-San leaders in respect of any functional area of such department: Provided that such a role may not include any decision-making power.

(2) *(a)* The process and procedure to be followed for the provision of a role contemplated in subsection (1) to any of the councils or leaders contemplated in that subsection, as well as the extent thereof, and the conditions and resources attached to any such provision, may, subject to paragraph *(b)*, be determined by the department concerned.

(b) Before a department makes provision for a role as contemplated in subsection (1), such department must—

(i) in the case of a national department, obtain the concurrence of the Minister and consult with the National House; and

(ii) in the case of a provincial department, obtain the concurrence of the member of the Executive Council responsible for traditional affairs of the relevant province and consult with the relevant provincial and local houses.

(3) Where a department has made provision for a role for any council or leader contemplated in subsection (1), such department must monitor the execution of the role and ensure that—

(a) the execution of the role is consistent with the Constitution and any other relevant law; and

(b) the role is being executed efficiently and effectively.

(4) Where any of the councils or leaders contemplated in subsection (1) does not execute a role as envisaged in subsection (3), such role or any resources provided to such a council or leader to perform that role may be withdrawn by the department concerned: Provided that before any such withdrawal, the relevant department must first establish the reasons for the non-execution of the relevant role and, where necessary, capacitate such councils or leaders to enable them to execute the role.

(5) *(a)* When a national or provincial department has made provision for a role as contemplated in subsection (1), such department must inform the Department of—

(i) the extent thereof;

(ii) the conditions and resources attached thereto; and

(iii) the name of the relevant council or leader.

(b) When a national or provincial department withdraws a role or resources as contemplated in subsection (4), such department must inform the Department of the reasons for such withdrawal.

(c) The Department must keep proper records of the information contemplated in paragraphs *(a)* and *(b)*.

(6) The allocation or withdrawal of a role as contemplated in this section must be published for noting in the *Gazette* or Provincial *Gazette*, as the case may be, by the relevant department.

CHAPTER 3

HOUSES OF TRADITIONAL AND KHOI-SAN LEADERS

Part 1

Houses of traditional and Khoi-San leaders

Houses of traditional and Khoi-San leaders

26. The houses of traditional and Khoi-San leaders are—

(a) a National House of Traditional and Khoi-San Leaders established in terms of section 27;

(b) provincial houses of traditional and Khoi-San leaders as may be established in accordance with the principles set out in section 49; and

(c) local houses of traditional and Khoi-San leaders as may be established in accordance with the principles set out in section 50.

Part 2

National House of Traditional and Khoi-San Leaders

Establishment and term of office of National House

27. (1) There is hereby established a National House to be known as the National House of Traditional and Khoi-San Leaders.

(2) The term of office of the National House is, subject to subsection (3), five years.

(3) The term of the National House—

(a) that was established in terms of the 2019-Act prior to the repeal of that Act; or

(b) that, if the date of invalidity takes effect, is regarded as having been established in terms of the National House of Traditional Leaders Act, 2009 (Act 22 of 2009),

will, subject to section 63(12), expire on 30 June 2027: Provided that any subsequent term of office of the National House as reconstituted after the commencement of this Act, shall expire every five years on 30 June, calculated from 30 June 2027.

Composition of National House

28. (1) *(a)* The National House consists of senior traditional and senior Khoi-San leaders—

(i) elected by each provincial house in accordance with the provisions of paragraph *(b)* and section 29; and

(ii) where relevant, of persons contemplated in subsection (2).

(b) In a province where a provincial house has been established and there are—

(i) only senior traditional leaders, the provincial house must elect three senior traditional leaders as members of the National House; or
(ii) only senior Khoi-San leaders, the provincial house must elect three senior Khoi-San leaders as members of the National House; or
(iii) more senior traditional leaders than senior Khoi-San leaders, the provincial house must elect three senior traditional leaders and one senior Khoi-San leader as members of the National House; or
(iv) more senior Khoi-San leaders than senior traditional leaders, the provincial house must elect three senior Khoi-San leaders and one senior traditional leader as members of the National House; or
(v) an equal number of senior traditional leaders and senior Khoi-San leaders, the provincial house must elect two senior traditional leaders and two senior Khoi-San leaders as members of the National House; or
(vi) two or less than two of either or of both senior traditional leaders and senior Khoi-San leaders, such leaders are *ex officio* members of the National House.

(2) In a province where a provincial house has not been established—
(a) the senior traditional leaders or the senior Khoi-San leaders or the senior traditional leaders and the senior Khoi-San leaders, as the case may be in the particular province, must, at a meeting convened by the relevant Premier, elect from amongst themselves representatives to the National House in accordance with the representation numbers as contemplated in subsection (1)*(b)*(i) to (v); or
(b) where there are two or less than two of either or of both senior traditional leaders and senior Khoi-San leaders in such province, such leaders are *ex officio* members of the National House.

(3) At least a third of the members of the National House must consist of women: Provided that if this requirement cannot be met, the Minister must, after consultation with the Premiers concerned and the relevant provincial houses, determine a lower threshold in respect of the representation of women in the National House.

Election and designation of members to National House

29. (1) The Minister must, at least 30 days before the expiry of the term of office of the National House, request the Premiers to notify provincial houses to elect subject to section 28, senior traditional leaders and where applicable, senior Khoi-San leaders to serve as members in the National House.

(2) The members of a provincial house referred to in section 28(1) must be elected, within 21 days after having received the notice from the Premier concerned in terms of subsection (1), by members of that provincial house in a meeting called for that purpose and attended by at least two-thirds of the members of the house concerned: Provided that the members of a provincial house referred to in section 28(1)*(a)*(i) and *(b)*, may not be full-time members of such provincial house.

(3) The election proceedings referred to in subsection (2) must be managed and chaired by the Premier concerned or a person designated by such Premier, and must be observed by officials of the National House and the provincial department responsible for traditional affairs.

(4) An election contemplated in subsection (2) must be by secret ballot by members of the provincial house concerned in the same meeting where the nominations take place.

(5) Each provincial house must elect one of the members contemplated in subsection (2) as leader of the elected members.

(6) A Premier must submit to the Minister, in respect of every person elected and designated, such person's—
(a) acceptance of the election or designation;
(b) full name and surname;
(c) identity number; and
(d) contact details.

(7) In the event that a provincial house fails to elect one or more of its members to serve in the National House within the period referred to in subsection (2), the Premier concerned must designate members of the relevant provincial house to serve in the National House.

(8) A member of the National House may not serve more than two consecutive terms as a member of the National House.

Disqualification for membership of National House

30. A person is disqualified from becoming a member of the National House if that person—

(a) is a member of a municipal council, a member of a provincial legislature or a member of Parliament;
(b) at the time of the election of members of the National House, is serving a sentence of imprisonment of more than 12 months without the option of a fine;
(c) is an unrehabilitated insolvent;
(d) is of unsound mind and has been so declared by a competent court;
(e) has been convicted of a criminal offence and sentenced to more than 12 months imprisonment without the option of a fine, either in the Republic or outside the Republic, if the conduct constituting the offence would have been an offence in the Republic, but no-one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined or until the time for an appeal has expired;
(f) is not a member of a provincial house;
(g) is not a South African citizen; or
(h) is not permanently resident within the Republic.

Vacation of seats

31. The seat of a member of the National House becomes vacant—

(a) upon the death of a member;
(b) if the member resigns by written notice to the Minister;
(c) if the member becomes disqualified in terms of section 30;
(d) if the member becomes a full-time member of a municipal council, a member of a provincial legislature or a member of Parliament;
(e) if a member is convicted of an offence with a sentence of imprisonment for more than 12 months without the option of a fine;
(f) if the member is removed from office for a breach of the code of conduct; or
(g) in the case of a member contemplated in section 28(1)*(a)*(i) and *(b)*, if the member ceases to be a member of a provincial house that elected him or her, and in the case of a member contemplated in section 28(1)*(a)*(ii) and (2), if the member ceases to be a chairperson or member of a traditional or Khoi-San council, as the case may be.

Filling of vacancies

32. (1) Where a vacancy occurs in the National House the Minister must, within 14 days after being informed of such a vacancy by the Secretary, inform the relevant Premier of such a vacancy.

(2) A vacancy in the National House must, subject to sections 28 and 29, be filled within 45 days after it became vacant, by the election of a member for the unexpired portion of the term of office of the member in whose place he or she is elected, and in the same manner in which the previous member was elected or designated.

Seat and meetings of National House

33. (1) *(a)* The first meeting of the National House must take place within 90 days after its constitution in terms of sections 28 and 29, at a time and place determined by the Secretary, subject to subsection (5).

(b) The President or a person designated by him or her may address the annual official opening of the National House.

(2) Ordinary meetings of the National House may, subject to subsection (5), take place at a time and place determined by the Secretary in consultation with the Chairperson.

(3) Special meetings of the National House may, subject to subsection (5), be held at a time and place determined by the Executive Committee of the National House or, if authorised thereto by the Executive Committee, by the Chairperson of the National House: Provided that the Minister may at any time summon the National House to a special meeting for the purposes of attending to urgent business at a time and place determined by the Minister.

(4) The National House must meet at least once in every quarter.

(5) The administrative seat of the National House is located at the same place where the head office of the Department is located and meetings of the National House may take place either at the administrative seat or at the seat of Parliament.

(6) The quorum for meetings of the National House is fifty per cent plus one of the total membership of the National House excluding any vacancies.

(7) The decisions of the National House must be taken by consensus, or where a vote is taken, subject to subsection (6), by a majority of the members present and voting in the meeting.

(8) Meetings of the National House are, subject to section 46(1)*(f)*, open to the public.

Chairperson and deputy chairperson of National House

34. (1) At its first meeting after it has been constituted in terms of sections 28 and 29, the National House must, with the Chief Justice or a judge designated by the Chief Justice presiding, elect one of its members to be the chairperson and must thereafter elect another of its members to be the deputy chairperson.

(2) The chairperson is vested with all powers and functions assigned to a chairperson in terms of this Act and the rules and orders of the National House.

(3) The chairperson presides over meetings of the National House.

(4) If the chairperson is absent or for any reason unable to exercise or perform the powers or functions vested in the office of the chairperson, or when the office of the chairperson is vacant, the deputy chairperson must act as chairperson during the chairperson's absence or inability or until a chairperson is elected.

(5) If both the chairperson and the deputy chairperson are absent, a member of the National House designated in terms of the rules and orders of the National House must act as chairperson while the said circumstances prevail.

(6) The deputy chairperson or the member designated in terms of this Act, while acting as a chairperson, may exercise the powers and must perform the functions vested in the office of the chairperson.

(7) While presiding at a meeting of the National House, a member of the House designated as a chairperson has a deliberative vote as well as a casting vote in the case of an equality of votes.

(8) The chairperson or deputy chairperson must vacate office if he or she becomes disqualified in terms of section 30.

(9) If the position of chairperson becomes vacant, the Minister or a person designated by the Minister must preside over the election of a member of the National House to fill the vacancy.

(10) If the position of deputy chairperson becomes vacant, the chairperson must preside over the election of a member of the National House to fill the vacancy.

(11) If the positions of both chairperson and deputy chairperson of the National House become vacant, the National House must, with the Chief Justice or a judge designated by the Chief Justice presiding, elect members of the National House to fill the vacancies.

(12) A chairperson or deputy chairperson is eligible for re-election: Provided that no member may serve as a chairperson or deputy chairperson of the National House for more than two terms.

Status of members of National House

35. (1) The chairperson and deputy chairperson shall be full-time members of the National House.

(2) The Minister may, after consultation with the National House and subject to subsection (1), determine that certain members are full-time members of the National House.

Duties of National House

36. (1) The duties of the National House are—

(a) to cooperate with the provincial houses, to promote—

(i) the role of traditional and Khoi-San leadership within a democratic constitutional dispensation;

(ii) nation building;

(iii) peace, stability and cohesiveness of communities;

(iv) the preservation of the moral fiber and regeneration of society;
(v) the preservation of the culture and traditions of communities;
(vi) socio-economic development and service delivery;
(vii) the social well-being and welfare of communities; and
(viii) the transformation and adaptation of customary law and customs so as to comply with the provisions of the Bill of Rights in the Constitution, in particular by—
(aa) preventing unfair discrimination;
(bb) promoting equality; and
(cc) seeking to progressively advance gender representation in the succession to traditional and Khoi-San leadership positions; and

(b) to enhance co-operation between the National House and the various provincial houses with a view to address matters of common interest.

(2) The National House—

(a) must consider Parliamentary Bills referred to it by the Secretary to Parliament in terms of section 39;
(b) may advise the national government and make recommendations in respect of—
(i) matters relating to policy and legislation regarding traditional and Khoi-San leadership;
(ii) the role of traditional and Khoi-San leaders;
(iii) customary law; and
(iv) the customs of communities observing a system of customary law;
(c) may investigate and make available information on traditional and Khoi-San leadership, traditional and Khoi-San communities, customary law and customs;
(d) must, at the request of the Minister, advise any member of the National Cabinet in connection with any matter referred to in this section;
(e) must complement and support the work of government at national level;
(f) may form cooperative relations and partnerships with government at national level in respect of development and service delivery;
(g) may participate in and form partnerships in respect of international and national programmes geared towards the development of rural communities;
(h) may participate in national initiatives meant to monitor, review and evaluate government programmes in rural communities; and
(i) must perform tasks as may be determined by the President or Minister or as may be provided for in national legislation.

(3) Any member of the National Cabinet who is responsible for national government development programmes that affect or may affect traditional or Khoi-San communities, must consult the National House before any such programme is implemented, amended or discontinued.

Administration of National House

37. (1) The Director-General of the Department may, in consultation with the chairperson of the National House and subject to the laws governing the public service, second or designate officials from the Department to discharge the administrative work of the National House.

(2) The Director-General of the Department must, in terms of the laws governing the public service and in consultation with the chairperson of the National House, appoint a person as Secretary to the House, who must—

(a) exercise or perform the powers and functions conferred upon or assigned to the Secretary by this Act and the rules and orders of the National House;
(b) subject to the directions of the National House, perform such work as is incidental to the exercise or performance by the National House of its powers and functions; and
(c) ensure that the National House and any committee of the House exercise or perform its duties, functions and responsibilities in an appropriate and cost-effective manner.

(3) The Secretary must be supported in the exercise or performance of his or her powers and functions by officials of the Department seconded or designated in terms of subsection (1) for that purpose.

Responsibilities of National House

38. (1) The National House must—

(a) prepare a strategic plan for a period of five years and review it annually;

(b) prepare an annual performance plan;

(c) keep proper records;

(d) in addition to quarterly meetings, hold an annual meeting with provincial houses to give account of the activities and finances of the National House;

(e) enforce the code of conduct;

(f) establish clear relationships with provincial houses and facilitate co-operation and communication between itself and provincial houses, as well as between the various provincial houses;

(g) assign clear responsibilities for the management and co-ordination of the administration of the National House to the Secretary of the National House and hold him or her accountable for the overall administration of the National House;

(h) maximise the efficiency of communication and decision-making within the administration of the National House;

(i) involve the Secretary of the National House in decisions impacting on the overall management of the National House, as far as is practical;

(j) promote an equitable, fair, open, non-discriminatory and supportive environment for all provincial houses; and

(k) provide an equitable, fair, open, non-discriminatory and supportive environment for members of the National House.

(2) *(a)* The strategic plan and annual performance plan referred to in subsection (1)*(a)* and *(b)* must be submitted to the Minister for approval, before a date determined by the Minister.

(b) The National House must submit a quarterly report to the Minister on the implementation of the strategic plan and annual performance plan.

(c) The National House must, within 60 days after the Minister has approved the strategic plan or any revised strategic plan as contemplated in subsection (1)*(a)*, table the strategic plan in Parliament.

(3) The National House must, where applicable,—

(a) determine the reasons why the one-third requirement for female representation on a provincial house is not met; and

(b) in collaboration with the relevant provincial house, determine the reasons why such requirement is not met by a kingship or queenship council, principal traditional council, traditional council, traditional sub-council or Khoi-San council,

and make recommendations to the Minister and the Premier, house and council concerned on how female representation on such house or council can be advanced to ensure that the one-third requirement is met.

Referral of Bills to National House

39. (1) *(a)* Any Parliamentary Bill—

(i) which directly affects traditional or Khoi-San communities or pertaining to customary law or customs of traditional or Khoi-San communities; or

(ii) pertaining to any matter referred to in section 154(2) of the Constitution,

must, in the case of a Bill contemplated in subparagraph (i) and may, in the case of a Bill contemplated in subparagraph (ii), before it is passed by the house of Parliament where it was introduced, be referred by the Secretary to Parliament to the National House for its comments.

(b) The National House must, within 60 days from the date of such referral, make any comments it wishes to make and submit such comments to the Secretary to Parliament: Provided that the National House may refer any such Bill to any provincial house for comments: Provided further that if the National House has no comments on any Bill referred to it, the National House must inform the Secretary to Parliament accordingly.

(2) A provincial legislature or a municipal council may adopt the same procedure referred to in subsection (1) in respect of the referral of a provincial Bill or a draft by-law to a provincial house or a local house, as the case may be.

Relationship between National House and kings, queens and principal traditional leaders

40. The National House may meet with recognised kings, queens and principal traditional leaders to discuss—

(a) the activities and programmes of the National House;
(b) matters of interest to kings, queens and principal traditional leaders;
(c) matters relating to service delivery and the development of traditional communities; and
(d) any other business identified and proposed by either party and agreed to by both parties.

Relationship between National House and provincial houses

41. (1) The National House may—

(a) investigate matters referred to it by a provincial house and make recommendations thereon;
(b) advise provincial houses regarding the administration of their affairs; and
(c) hold a meeting with a provincial house to discuss progress on matters relating to the general interest and welfare of traditional and Khoi-San communities.

(2) Where the National House wishes to interact with a local house or a traditional or Khoi-San council, such interaction must be done in consultation with the relevant provincial house: Provided that where no provincial house has been established, the National House may, after having informed the relevant Premier, interact directly with a local house or traditional or Khoi-San council.

(3) The chairperson of the National House must establish a body of chairpersons of provincial houses to interact with the National House on a regular basis on issues of mutual interest.

(4) The Secretary of the National House must establish a body of Secretaries of provincial houses to interact with the National House on a regular basis on issues of mutual interest.

Support to National House

42. (1) The Department must provide support to the National House so as to enable the National House to perform all the functions assigned to it, and such support—

(a) may include the provision of—
(i) infrastructure;
(ii) human resources as contemplated in section 37(1);
(iii) skills development programmes; and
(iv) administrative systems; and
(b) must include financial support, which support is subject to the budget allocation of the Department.

(2) For the purposes of subsection (1)*(b)*, the National House must submit to the Director-General of the Department, before a date determined by the Director-General, annual estimates of expenditure for the next financial year.

Annual report of National House

43. (1) The National House must annually by no later than 30 June of a particular year, submit to the Minister a report in respect of the preceding financial year, complying with the provisions of subsection (2), in respect of its activities and programmes and must, within 30 days after the Minister has approved the report, table it in Parliament.

(2) The information to be contained in the report contemplated in subsection (1), include but are not limited to, information on—

(a) the composition of the National House;
(b) the filling of any vacancies;
(c) the disqualification of any member;
(d) meetings of the National House, with specific reference to the meetings held with kings, queens and principal traditional leaders, and the meetings held with provincial houses;
(e) the consideration of any Bills referred to the National House;

(f) the exercising of any duties of the National House as contemplated in section 36;
(g) the responsibilities of the National House as contemplated in section 38;
(h) the budget and expenses of the National House;
(i) any matter as may be directed by the President or Minister; and
(j) any other matter deemed necessary by the National House.

(3) *(a)* The Minister may, before approving a report submitted to him or her as contemplated in subsection (1), request a meeting with the National House to discuss the content of the report.

(b) Any house of Parliament may, once a report contemplated in subsection (1) has been tabled in Parliament, request a meeting with the National House to discuss the contents of the report.

Privileges and immunities of members of National House

44. (1) The National House has the authority to control, regulate and dispose of its internal affairs and has all such privileges and immunities as may, subject to the Constitution, be prescribed.

(2) *(a)* Members of the National House have freedom of speech in the National House and its committees, subject to the rules and orders of the National House.

(b) Members of the National House are not liable to civil or criminal proceedings, arrest, imprisonment or damages for—

(i) anything that they have said in, produced before or submitted to the National House or any of its committees; or
(ii) anything revealed as a result of anything that they have said in, produced before or submitted to the National House or any of its committees.

Remuneration and benefits of members of National House

45. The remuneration, allowances and benefits of members of the National House are determined in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).

Rules, orders and committees of National House

46. (1) The National House must make rules and orders in connection with the conduct of its business and proceedings, including rules and orders regulating—

(a) subject to subsection (2), the establishment, constitution, meetings, powers and functions, procedures and lifespan of committees of the National House;
(b) the procedure to be followed in meetings of the National House;
(c) restrictions on access to such committees;
(d) the competency of any such committee to perform or dispose of its business and proceedings at venues other than the administrative seat of the National House;
(e) the designation of members to preside over meetings of the committees of the National House; and
(f) the attendance of any meeting of the National House by any person who is not a member of the House and the status of such a person at such a meeting.

(2) There may be an executive committee consisting of the chairperson and deputy chairperson and those members contemplated in section 29(5).

(3) The National House must, subject to subsection (1), establish an ethics committee.

Dissolution of National House

47. (1) The National House must be dissolved—

(a) on the expiry of the term of office of the National House; or
(b) after a vote supported by a majority of the full complement of the members of the National House in a meeting of the National House called for that purpose: Provided that in such instance the National House must be reconstituted in accordance with the provisions of sections 28 and 29, and such reconstituted National House shall function for the unexpired term of the dissolved National House as contemplated in section 27(2).

(2) Notwithstanding the dissolution of the National House, the Minister may summon the National House to an extraordinary meeting to attend to any urgent business, during

the period following such dissolution until the day before the first meeting of the next National House and for this purpose—

(a) every person who on the date of the dissolution of the National House is a member, remains a member of the House; and

(b) the National House remains competent to function.

Oath or affirmation by members of National House

48. The members of the National House must, before they begin to perform their functions in the National House, take an oath or solemn affirmation as set out in Schedule 2 to this Act, before the Chief Justice or a judge designated by the Chief Justice.

Part 3

Provincial and local houses of traditional and Khoi-San leaders

Provincial houses of traditional and Khoi-San leaders

49. (1) Provincial houses may be established by provinces in terms of provincial legislation and subject to the provisions of this Act.

(2) The provincial legislation contemplated in subsection (1) must include provisions that provide for—

(a) fair representation of women in the provincial houses and at least one of the elected representatives of such provincial house to the National House to be a woman;

(b) the term of provincial houses to be five years: Provided that, notwithstanding anything to the contrary contained in any law, but subject to section 63(13), the term of a provincial house that was established and constituted in terms of any applicable provincial legislation prior to the commencement of this Act, will expire on 31 May 2027: Provided further that any term of office of provincial houses reconstituted or established after the commencement of this Act, shall expire every five years on 31 May, calculated from 31 May 2027;

(c) where applicable, the membership of both senior traditional leaders and senior Khoi-San leaders in provincial houses;

(d) where applicable, the election of both senior traditional leaders and senior Khoi-San leaders as contemplated in section 28(1)*(a)*(i) and *(b)*;

(e) where applicable, a relationship between the provincial house and any kingship or queenship council or principal traditional council within the particular province, including meetings with such councils or the respective recognised traditional leaders;

(f) full-time and part-time members of the provincial house; and

(g) administrative and financial support to the provincial house,

and may provide for a code of conduct for members of a provincial house that complements the code of conduct contained in Schedule 1 to this Act.

(3) *(a)* The membership contemplated in subsection (2)*(c)* must be composed in such a way that both senior traditional leaders and senior Khoi-San leaders are represented in the provincial house concerned—

(i) in the same proportion that they are represented in the local houses concerned; or

(ii) if local houses have not been established, in the same proportion that they would have been represented in such local houses had such houses been established:

Provided that if only one senior Khoi-San leader is a member of a local house as contemplated in subparagraph (i) or would have been such a member as contemplated in subparagraph (ii), such senior Khoi-San leader must be a member of the provincial house concerned.

(b) The fact that only senior traditional leaders or only senior Khoi-San leaders are recognised in a province does not preclude a province from establishing a provincial house.

(4) The members of a provincial house must, before they begin to perform their functions in the provincial house, take an oath or solemn affirmation as set out in Schedule 2 to this Act, before a judge of the High Court designated by the relevant Judge President for this purpose.

Local houses of traditional and Khoi-San leaders

50. (1) Subject to the provisions of this Act and any regulations relating to local houses as contemplated in subsection (11), a Premier may by notice in the relevant Provincial *Gazette* establish a local house of traditional and Khoi-San leaders for the area of jurisdiction of a local municipality, district municipality or a metropolitan municipality where there are one or more traditional councils or Khoi-San councils.

(2) A local house must consist of not less than five members, of which at least one member must be a senior traditional leader or a senior Khoi-San leader.

(3) All senior traditional leaders and senior Khoi-San leaders who reside within the area of jurisdiction of a local municipality, district municipality or a metropolitan municipality are members of a local house established for the specific area.

(4) Where within the area of a local municipality, district municipality or a metropolitan municipality there—

(a) is only one traditional council or only one Khoi-San council, the local house consists of four members elected by that traditional council or Khoi-San council from amongst its members and the senior traditional leader or senior Khoi-San leader who is *ex officio* a member and chairperson of the local house;

(b) are in total more than one but not more than five traditional councils, Khoi-San councils, traditional sub-councils or branches, the local house consists of—

(i) all senior traditional leaders and senior Khoi-San leaders;
(ii) all chairpersons of such traditional sub-councils; and
(iii) all branch heads of such branches:

Provided that where there is more than one—

(aa) branch of the same Khoi-San community, the Khoi-San council must elect one branch head;

(bb) traditional sub-council of the same traditional community, the traditional council must elect one chairperson,

as a member of the local house: Provided further that where in total the senior traditional leaders, senior Khoi-San leaders, branch heads and chairpersons of traditional sub-councils are not more than five, the senior traditional leaders and senior Khoi-San leaders must designate the required number of members from amongst their councils: Provided further that where more than one senior traditional leader or senior Khoi-San leader is required to make a designation, such designation must be made with the concurrence of all relevant senior traditional leaders and senior Khoi-San leaders, as the case may be;

(c) are in total more than five traditional councils, Khoi-San councils, traditional sub-councils or branches, the local house consists of—

(i) all senior traditional leaders and senior Khoi-San leaders;
(ii) all chairpersons of such traditional sub-councils; and
(iii) all branch heads of such branches:

Provided that where there is more than one—

(aa) branch of the same Khoi-San community, the Khoi-San council must elect one branch head;

(bb) traditional sub-council of the same traditional community, the traditional council must elect one chairperson,

as a member of the local house.

(5) Where the area of a traditional council is situated within more than one local municipality or within a local and district or local and metropolitan municipality—

(a) the senior traditional leader is a member of the local house where he or she resides; and

(b) the traditional council must elect a headman or headwoman from the areas situated in the local, district or metropolitan municipalities other than where the senior traditional leader resides, to be a member of the relevant local house.

(6) The functions of a local house are—

(a) to advise the local municipality, district municipality or the metropolitan municipality on—

(i) matters pertaining to customary law, customs, traditional and Khoi-San leadership and the traditional and Khoi-San communities within such municipality;

(ii) the development of planning frameworks that impact on traditional and Khoi-San communities; and

(iii) the development of by-laws that impact on traditional and Khoi-San communities;

(b) to participate in local programmes that have the development of traditional and Khoi-San communities as an object; and

(c) to participate in local initiatives that are aimed at monitoring, reviewing or evaluating government programmes in traditional and Khoi-San communities.

(7) A local house must meet at least four times a year.

(8) *(a)* The term of a local house is, subject to paragraph *(b)*, five years.

(b) The term of a local house—

(i) that was established in terms of the 2019-Act prior to the repeal of that Act; or

(ii) that, if the date of invalidity takes effect, is regarded as having been established in terms of the Framework Act or applicable provincial legislation,

will, subject to section 63(14), expire on 30 April 2027: Provided that any subsequent term of office of local houses reconstituted or established after the commencement of this Act, shall expire every five years on 30 April, calculated from 30 April 2027.

(9) The traditional and Khoi-San leaders who participate in the proceedings of a municipal council as contemplated in section 81 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), must report on such participation in accordance with the provisions of that section.

(10) A province must provide administrative and financial support to local houses which support may include, but is not limited to, office accommodation and support staff: Provided that where local houses are established for the areas of jurisdiction of local municipalities, the administrative support to such houses may be provided as a shared service on district or metropolitan level.

(11) The Minister may, in accordance with the provisions of section 60, make regulations in respect of—

(a) the disqualification of members of a local house;

(b) the privileges and immunities of members of a local house;

(c) where applicable, the election of representatives to the relevant provincial house;

(d) meetings of a local house, including the quorum and requisite majorities;

(e) the vacation of seats and the filling of vacancies;

(f) subject to subsection (6), the powers, functions and duties of a local house;

(g) subject to subsection (4)*(a)*, the chairperson and deputy chairperson of a local house;

(h) the rules and orders of a local house;

(i) subject to subsection (10), the administrative and financial support to be provided to a local house;

(j) the relationship between provincial and local houses having regard to the provisions of section 41;

(k) mechanisms or procedures that would allow a fair representation of women as members of local houses; and

(l) a code of conduct for members of local houses that complements the code of conduct contained in Schedule 1 to this Act.

(12) A Premier may make regulations in respect of the matters set out in subsection (11): Provided that such regulations may not be inconsistent with any regulations made by the Minister in terms of subsection (11): Provided further that the provisions of section 60(2)*(a)* apply with the necessary changes to any regulations made by a Premier in terms of this subsection.

(13) The members of a local house must, before they begin to perform their functions in the local house, take an oath or solemn affirmation as set out in Schedule 2 to this Act, before a judge of the High Court designated by the Judge President for this purpose.

CHAPTER 4

COMMISSION ON KHOI-SAN MATTERS

Establishment of Commission

51. (1) There is hereby established a Commission on Khoi-San Matters.

(2) The Commission must carry out its functions in a manner that is fair, objective and impartial.

Appointment of members of Commission

52. (1) *(a)* The Minister must, subject to paragraphs *(b)*, *(c)*, *(d)*, *(e)* and *(f)*, and after inviting nominations from the general public, appoint a chairperson, deputy chairperson and not more than five other persons, as members of the Commission for a period not exceeding five years or any such further period as the Minister may determine by notice in the *Gazette*.

(b) A member of the Commission must be a South African citizen and have a qualification or experience in or knowledge appropriate to—

(i) anthropology;
(ii) history relating to the Khoi-San;
(iii) customary law and customs and the institutions of Khoi-San leadership; or
(iv) law.

(c) The members of the Commission referred to in paragraph *(b)*(i), (ii) and (iii) must collectively represent a pool of knowledge concerning issues relevant to the Khoi-San groupings.

(d) The Minister may appoint a selection panel consisting of the Director-General of the Department and not more than three other persons to make recommendations to the Minister on which nominees, based on the requirements referred to in this subsection, are most suited to serve on the Commission.

(e) The Minister may, after having received the recommendations of the selection panel contemplated in paragraph *(d)*, refer the recommendations to the Premiers for comments.

(f) A nomination made by the public must contain all the information as may be specified in the invitation and must indicate whether the nominee is eligible for possible recognition as a senior Khoi-San leader or is a member of a community which may apply for possible recognition as a Khoi-San community: Provided that no such person may serve on the Commission.

(g) The names of the chairperson, deputy chairperson and members appointed in terms of paragraph *(a)*, together with the date from which the appointment takes effect, must be published in the *Gazette*.

(2) A member of the Commission is either a full-time or part-time member, as determined by the Minister.

(3) If a member of the Commission dies or vacates office before the expiry of the term for which he or she has been appointed, the Minister may, in accordance with the provisions of subsection (1), appoint a person to fill the vacancy for the unexpired term for which such member was appointed.

(4) The Minister may remove a member of the Commission on the grounds of—

(a) having been convicted of an offence with a sentence of imprisonment for more than 12 months without the option of a fine;
(b) such member having been declared mentally unfit or mentally disordered by a court;
(c) such member having been declared insolvent by a court;
(d) misconduct, incapacity or incompetence; or
(e) such member becoming eligible for recognition as a senior Khoi-San leader or branch head, or being a member of a community which applied for recognition as a Khoi-San community.

(5) *(a)* A decision to remove a member of the Commission on the grounds of misconduct or incompetence must be based on a finding to that effect by an investigative committee appointed by the Minister.

(b) The Minister may suspend a member of the Commission who is under investigation in terms of paragraph *(a)*.

Vacancies

53. A vacancy occurs whenever a member of the Commission—

(a) resigns by giving written notice to the Minister;
(b) is removed in terms of section 52(4); or
(c) becomes a member of the National Assembly, a member of a provincial legislature, a full-time member of a municipal council or a permanent delegate to the National Council of Provinces.

Conditions of appointment of members of Commission

54. (1) The Minister must, after consultation with the Minister of Finance, determine the conditions of appointment of the members of the Commission, taking into account—

(a) the role, duties and responsibilities of the members of the Commission; and

(b) the level of expertise and experience required from the members of the Commission.

(2) Conditions of appointment may differ in respect of—

(a) the chairperson and other members of the Commission; and

(b) full-time and part-time members.

Support to and reports by Commission

55. (1) *(a)* The Department must provide administrative and financial support to the Commission so as to enable it to perform all the functions assigned to it and may second or designate officials from the Department for this purpose or to conduct research on behalf of the Commission.

(b) The Commission may, subject to the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and with the approval of the Director-General of the Department, appoint a suitable person or persons to conduct research on its behalf.

(2) The Commission must quarterly, or when requested by the Minister, provide the Minister with a comprehensive report on its activities.

Application for recognition of Khoi-San communities, branches, senior Khoi-San leaders and branch heads

56. (1) A community that meets the criteria set out in section 5 may lodge a detailed application in writing with the Commission for the recognition of that community and if applicable, the branches of that community as well as for the recognition of a senior Khoi-San leader who meets the criteria set out in section 7 and if applicable, a branch head.

(2) An application contemplated in subsection (1) must be in the format as may be determined by the Commission, must comply with the provisions of section 5(1)*(b)* and must—

(a) be lodged by a member of the community duly authorised by such community or the royal family concerned, as the case may be; and

(b) (i) be accompanied by information setting out the details on which the claim for the recognition of the community as well as the leadership positions are based;

(ii) be accompanied by details of the geographical area or areas referred to in section 5(1)*(a)* and, subject to section 5(1)*(c)*, the number of members of the community occupying such areas;

(iii) be submitted within the period of two years referred to in section 57(2)*(a)*; and

(iv) if the community referred to in subsection (1) has a proven history of hereditary or elected leadership, be accompanied by details of the hereditary or elected leadership position.

(3) When considering an application, the Commission must consider and apply customary law and customs of the Khoi-San community concerned.

(4) The Commission must, in respect of an application for the recognition of—

(a) a community and branches, apply the criteria set out in section 5; and

(b) hereditary or elected senior Khoi-San leaders, apply the criteria set out in sections 7 and 10.

(5) The Commission must, on a quarterly basis, inform the Premiers concerned of the applications received in terms of this section.

Functions of Commission

57. (1) The Commission must investigate and make recommendations to the Minister on the recognition of—

(a) Khoi-San communities;

(b) hereditary senior Khoi-San leaders;

(c) elected senior Khoi-San leaders; and
(d) branches and branch heads.

(2) The Commission—

(a) may only investigate and make recommendations in respect of those applications that have been lodged with the Commission in terms of section 56 within a period of two years from a date to be determined by the Minister by notice in the *Gazette*, or any such further period as the Minister may determine by notice in the *Gazette*; and

(b) must complete the investigations and make recommendations as contemplated in paragraph *(a)* within the period of five years referred to in section 52(1)*(a)*, or any such further period as the Minister may determine.

(3) Any application that has not been lodged with the Commission by the period referred to in subsection (2)*(a)*, may not be dealt with by the Commission and must be dealt with in accordance with the provisions of sections 5 or 10, as the case may be.

(4) Any dispute that may arise after the period referred to in subsection (2)*(a)*, must be dealt with by the relevant Premier and for this purpose the provisions of section 59 apply with the necessary changes.

Recommendations and decisions

58. (1) A recommendation of the Commission must be agreed to by at least two-thirds of the members of the Commission.

(2) *(a)* A recommendation of the Commission must, within a period of two weeks of the recommendation having been made, be referred for comments to the Premier of the province where the applicant community, leader and branch head reside or where the branch is located.

(b) A Premier must submit his or her comments to the Commission within a period of 60 days from the date of referral of the recommendation: Provided that if no comments are received within the period of 60 days, it shall be deemed that the Premier is in support of the specific recommendation.

(c) The Commission must, within a period of two weeks from the expiry of the 60 days referred to in paragraph *(b)*, submit its recommendation together with the Premier's comments, if any, to the Minister.

(3) The Minister must, within a period of 60 days from the date of receipt of the submission contemplated in subsection (2)*(c)*, make a decision on the recommendation.

(4) If the Minister takes a decision that differs with the recommendation submitted in terms of subsection (2), the Minister must provide written reasons for such decision to the Commission and relevant Premier.

(5) Subject to the decision of the Minister as contemplated in subsection (3), the Minister must—

(a) recognise a Khoi-San community, branch, senior Khoi-San leader or branch head, as the case may be, by notice in the *Gazette*; and

(b) issue a certificate of recognition to such leader.

CHAPTER 5

GENERAL PROVISIONS

Disputes

59. (1) *(a)* This section applies to any traditional leadership dispute, subject to paragraphs *(b)* and *(c)* and section 63(10) and (11).

(b) (i) Provincial legislation may provide for a mechanism to deal with traditional leadership disputes, excluding any dispute relating to a king or a queen or a kingship or a queenship: Provided that such legislation may not be inconsistent with this section.

(ii) Notwithstanding the relevant provisions of provincial legislation contemplated in subparagraph (i), a Premier may apply subsection (3).

(c) In the absence of provincial legislation as contemplated in paragraph *(b)*(i), a Premier must apply the provisions of this section.

(2) Any traditional leadership dispute relating to a king, queen, principal traditional leader, senior traditional leader, headman, headwoman, kingship, queenship, principal traditional community, traditional community, headmanship or headwomanship, must

be dealt with by the President in the case of a king, queen, kingship or queenship and by the Premier concerned in the case of any other dispute and the President or Premier, as the case may be, must—

(a) cause an investigation to be conducted by an investigative committee designated by him or her which committee must, in the case of a dispute concerning a king, queen, kingship or queenship include at least one member of the National House and in the case of any other dispute include at least one member of the relevant provincial house, to provide a report as well as recommendations on the matter in dispute within 60 days from the date of designation of the investigative committee; and

(b) refer the report to the relevant royal family or, where applicable, relevant traditional council for its written comments which must be submitted to the President or Premier, as the case may be, within 60 days from the date of such referral.

(3) The President or the relevant Premier, as the case may be, may refer any dispute, including any report, recommendations and comments contemplated in subsection (2), to the Minister for written comments and advice which must be submitted to the President or Premier, as the case may be, within 60 days from the date of such referral.

(4) After having considered the report and recommendations of the investigative committee, the comments of the royal family or traditional council and, where applicable, the comments and advice of the Minister, the President or relevant Premier, as the case may be, must take a decision on the matter in dispute and inform the parties to the dispute in writing of his or her decision.

Regulations

60. (1) The Minister may, by notice in the *Gazette*, make regulations regarding—

(a) any matter that must or may be prescribed in terms of this Act;

(b) the traditional, ceremonial and any other roles and functions of a king or queen, or principal traditional leader, after consultation with a delegation consisting of not more than two members of each kingship or queenship council or principal traditional council, as the case may be, designated by such councils;

(c) any matter that may be necessary to ensure the effective functioning of any local house, including a matter referred to in section 50(11); and

(d) any ancillary or administrative matter that is necessary to prescribe for the proper implementation or administration of this Act.

(2) Before any regulations are made under this section, the Minister must—

(a) in respect of regulations as contemplated in subsection (1)*(a)*, *(c)* and *(d)*, consult—

(i) the members of the Executive Councils responsible for traditional and Khoi-San leadership matters of the provinces concerned; and

(ii) the relevant provincial houses;

(b) in respect of regulations as contemplated in subsection (1)*(b)*, consult—

(i) the Premiers concerned;

(ii) the members of the Executive Councils responsible for traditional and Khoi-San leadership matters of the provinces concerned;

(iii) the National House; and

(iv) the provincial houses concerned; and

(c) publish any draft regulations in the *Gazette* for public comment.

(3) Any regulations made under this section must, within 90 days of the notice contemplated in subsection (1), be tabled in Parliament for noting.

Delegation of powers and duties by Premier

61. (1) A Premier may, subject to such conditions as he or she may determine, in writing, delegate any power or duty conferred on him or her under this Act, except the power to recognise any community or leader or to withdraw such recognition, to the member of the Executive Council responsible for traditional and Khoi-San affairs of the province concerned.

(2) A delegation in terms of subsection (1) does not prevent the exercise of the relevant power or the performance of any duty by a Premier.

(3) A Premier may at any time, in writing, withdraw or amend a delegation contemplated in subsection (1).

(4) A member of the Executive Council to whom a power has been delegated, may not further delegate such power or duty, without the written authority of the Premier concerned.

(5) A Premier must, within 30 days of delegating any power or duty in terms of subsection (1) or withdrawing or amending such delegation in terms of subsection (3), inform the Minister accordingly.

Monitoring

62. (1) The Department may monitor the implementation of this Act and any regulations made in terms of this Act, including the functioning of any Commission, committee, house, community, leader, council or branch provided for in this Act, and may submit reports in this regard and make recommendations on such implementation or functioning to the Minister, the relevant Premier or Premiers in general, and the relevant Commission, committee, house, community, leader, council or branch.

(2) The Department may monitor the implementation of section 81 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and make recommendations on such implementation to the Minister, a Premier, any relevant house of traditional and Khoi-San leaders, and any senior traditional leader or senior Khoi-San leader who participates in the proceedings of a municipal council in accordance with the provisions of that Act.

(3) The Minister may, after having received a report or recommendations contemplated in subsections (1) and (2), as the case may be, and in consultation with the relevant Premier, take the necessary steps to ensure that the provisions of this Act are met.

Transitional arrangements

63. (1) *(a)* Any traditional leader—

(i) who was appointed or recognised as such in terms of applicable provincial legislation and was still recognised as a traditional leader immediately before 24 September 2004; or

(ii) who was recognised as such in terms of the Framework Act, prior to the repeal of that Act, or in terms of any applicable provincial legislation which is not inconsistent with the Framework Act or the 2019-Act, as the case may be; or

(iii) who was recognised as such in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity,

is deemed to have been recognised as such in terms of section 8 of this Act, subject to a recommendation of the CTLDC, where applicable.

(b) Any kingship or queenship, principal traditional community, traditional community and subject to paragraph *(c)*, any headmanship or headwomanship that was recognised as such in terms of the Framework Act prior to the repeal of that Act, or in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, or in terms of any applicable provincial legislation which is not inconsistent with the Framework Act or the 2019-Act, as the case may be, is deemed to have been recognised in terms of section 3 of this Act, subject to a recommendation of the CTLDC, where applicable.

(c) (i) A Premier must, within three years of the commencement of this Act or such further period as the Minister may determine, cause an investigation to be conducted to determine whether any headmanship or headwomanship established or recognised in terms of applicable legislation prior to or since the commencement of the Framework Act, and any headman or headwoman appointed or recognised for such headmanship or headwomanship, meet the relevant criteria set out in sections 3, 7 and 8 of this Act.

(ii) If an investigation as contemplated in subparagraph (i) finds that any headmanship or headwomanship or any headman or headwoman does not meet the relevant criteria set out in sections 3, 7 and 8 of this Act, such headmanship or headwomanship shall automatically be disestablished upon the death or resignation of the relevant headman or headwoman and the appointment or recognition of the position of headman or headwoman, as the case may be, shall be deemed to have been withdrawn.

(iii) The Premier may by notice in the Provincial *Gazette* stipulate the legal, practical and other consequences of a disestablishment as contemplated in subparagraph (ii).

(iv) Any investigation as contemplated in subparagraph (i) and any notice as contemplated in subparagraph (iii) that was done or issued in terms of the 2019-Act prior to the repeal of that Act, will, subject to the date of invalidity, be deemed to have been done in terms of this Act.

(d) Any kingship or queenship council, principal traditional council, traditional council or traditional sub-council established in terms of the Framework Act prior to the repeal of that Act, or in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, or in terms of applicable provincial legislation which is not inconsistent with the Framework Act or the 2019-Act and which complies with all requirements of this Act, is deemed to have been established in terms of section 16 or 17 of this Act, as the case may be, subject to the term of office as contemplated in section 16(4) of this Act: Provided that if the establishment of any such council did not comply with all the requirements of this Act, the relevant provisions of subsection (4) apply.

(2) Any person who was recognised or appointed as a regent, acting leader or deputy leader in terms of the Framework Act prior to the repeal of that Act, or in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, or in terms of any applicable provincial legislation which is not inconsistent with the Framework Act or the 2019-Act, as the case may be, is deemed to have been recognised as such in terms of section 12, 13 or 14 of this Act, as the case may be.

(3) Any ''tribe'' that, immediately before 24 September 2004, had been established in terms of applicable legislation and was still recognised as such at the commencement of this Act, is deemed to be a traditional community contemplated in section 3 of this Act, subject to—

(a) the withdrawal of its recognition in accordance with the provisions of section 4; or

(b) a recommendation of the CTLDC, where applicable.

(4) *(a)* A tribal authority that, immediately before 24 September 2004, had been established and was still recognised as such at the commencement of this Act, must be reconstituted in accordance with the provisions of section 16(2) of this Act within two years from the publication of the formula contemplated in section 16(2) or within two years from the commencement of this Act, whichever is the later date, whereafter such tribal authority shall be a traditional council and must perform the functions referred to in section 20.

(b) If, prior to the commencement of this Act, any tribal authority was reconstituted as contemplated in paragraph *(a)* but such reconstitution did not comply with all the requirements of section 16(2), or a traditional council was constituted or reconstituted but did not comply with all the requirements of section 16(2), such tribal authority or traditional council must be reconstituted in accordance with the provisions of section 16(2) of this Act within two years from the publication of the formula as contemplated in section 16(2) or within two years from the commencement of this Act, whichever is the later date, whereafter such tribal authority shall be a traditional council and must perform the functions referred to in section 20.

(c) If a kingship or queenship council or principal traditional council was constituted or reconstituted prior to the commencement of this Act but did not comply with all the requirements of this Act, such council must be reconstituted in accordance with the relevant provisions of section 16 of this Act within two years from the publication of the formula as contemplated in section16(2) or within two years from the commencement of this Act, whichever is the later date.

(d) If a traditional sub-council was constituted or reconstituted prior to the commencement of this Act but did not comply with all the requirements of this Act, such council must be reconstituted in accordance with the relevant provisions of section 17 of this Act within two years from the commencement of this Act.

(e) If the timeframes contemplated in paragraphs *(a)*, *(b)* or *(c)* are not met, the Minister may, within one year after the timeframes have lapsed and after consultation with the relevant Premier, apply the provisions of section 16(2) to ensure that such council is constituted or reconstituted in accordance with the provisions of section 16(2).

(f) The provisions of section 16(3) and (5) apply to any constitution or reconstitution contemplated in paragraphs *(a)*, *(b)* and *(c)* of this subsection.

(5) *(a)* Any community authority that had been established in terms of applicable legislation and still existed as such at the commencement of this Act, continues to exist until it is disestablished in accordance with provincial legislation, which disestablishment must take place within three years from the date of commencement of this Act.

(b) The provincial legislation contemplated in paragraph *(a)* must regulate the legal, practical and other consequences of the disestablishment, including—

(i) the transfer of assets, liabilities and administrative and other records to an appropriate authority;

(ii) the vacation of office of any office bearer of such a community authority; and

(iii) the transfer of staff of such a community authority in accordance with applicable legislation.

(c) In the absence of provincial legislation as contemplated in paragraph *(a)*,

the Premier of a province may, after consultation with any relevant member of the Executive Council of the province, the relevant community authority and the provincial house, by notice in the Provincial *Gazette* disestablish such community authority and such notice must stipulate the legal, practical and other consequences of such disestablishment as contemplated in paragraph *(b)*.

(d) If the timeframe referred to in paragraph *(a)* is not met in respect of any community authority, the Minister may, after consultation with the relevant Premier, disestablish a community authority and by notice in the *Gazette*, stipulate the legal, practical and other consequences of such disestablishment as contemplated in paragraph *(b)*.

(e) A community authority that has been disestablished in full compliance with section 63(5) of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, is deemed to have been disestablished in terms of this subsection: Provided that if such disestablishment was not done in full compliance with the said section 63(5), the provisions of paragraphs *(a)*, *(b)*, *(c)* and *(d)* of this subsection apply.

(6) *(a)* The Premier of a province must, by notice in the Provincial *Gazette*, within two years of the commencement of this Act disestablish any regional authority, Ibandla Lamakhosi, Council of Chiefs and ward authority functioning under tribal authorities that have been established in terms of applicable legislation before the commencement of this Act.

(b) The notice disestablishing a regional authority, Ibandla Lamakhosi, Council of Chiefs or ward authority must stipulate the legal, practical and other consequences of the disestablishment, including—

(i) the transfer of assets, liabilities and administrative and other records to an appropriate provincial department, a municipality or local house of traditional leaders, as circumstances may require;
(ii) the vacation of office of any office bearer of such a regional authority; and
(iii) the transfer of staff of such a regional authority in accordance with applicable legislation.

(c) If the timeframe of two years referred to in paragraph *(a)* is not met in respect of any regional authority, Ibandla Lamakhosi, Council of Chiefs or ward authority, the Minister may, after consultation with the relevant Premier, disestablish a regional authority, Ibandla Lamakhosi, Council of Chiefs or ward authority and by notice in the *Gazette*, stipulate the legal, practical and other consequences of such disestablishment subject to paragraph *(b)*.

(d) A regional authority, Ibandla Lamakhosi, Council of Chiefs or ward authority that has been disestablished in full compliance with section 63(6) of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, is deemed to have been disestablished in terms of this subsection: Provided that if such disestablishment was not done in full compliance with the said section 63(6), the provisions of paragraphs *(a)*, *(b)* and *(c)* of this subsection apply.

(7) *(a)* Where, pursuant to an investigation conducted in terms of section 28(7) of the Framework Act, the Commission decided that a paramountcy qualifies to be recognised as a kingship or queenship, such a paramountcy is deemed to be recognised as a kingship or queenship in terms of section 3 of this Act.

(b) The incumbent paramount chiefs, in respect of the kingships and queenships contemplated in paragraph *(a)*, are deemed to be recognised as kings or queens in terms of section 8 of this Act.

(c) In this subsection and subsection (8), ''Commission'' refers to the Commission on Traditional Leadership Disputes and Claims as it existed prior to 1 February 2010.

(8) *(a)* Where, pursuant to an investigation conducted in terms of section 28(7) of the Framework Act, the Commission decided that a paramountcy does not qualify to be recognised as a kingship or queenship, such a paramountcy will, notwithstanding the decision of the Commission and subject to paragraph *(c)*, be deemed to be recognised as a kingship or queenship in terms of section 3 of this Act.

(b) Where, pursuant to an investigation conducted in terms of section 28(7) of the Framework Act, the Commission has decided that a paramount chief does not qualify to be recognised as a king or queen, such a paramount chief, regent or acting paramount chief will, notwithstanding the decision of the Commission and subject to paragraph *(c)*, be deemed to be recognised as a king or queen in terms of section 8 or a regent or acting king or queen in terms of section 12 or 13 of this Act, respectively.

(c) A kingship or queenship and a king or queen recognised in terms of paragraphs *(a)* and *(b)* lapses—

(i) if, on 1 February 2010, the position was vacant;
(ii) on the death of the incumbent king or queen where the position of such king or queen is occupied by a permanent incumbent;
(iii) where the position of the incumbent king or queen is occupied by a regent or an acting incumbent, on the death of such regent or acting incumbent or on the date

of the recognition of a successor,

whereafter the kingship or queenship and the king or queen, as the case may be, will be deemed to be a principal traditional community and principal traditional leader respectively: Provided that when a leader or a community becomes a principal traditional leader or principal traditional community in terms of this paragraph, the Premier concerned must publish a notice in the relevant Provincial *Gazette* recognising such principal traditional leader and principal traditional community, and issue a certificate of recognition to such principal traditional leader.

(9) If a kingship or queenship council has been established for a kingship or queenship referred to in subsection (8)*(a)* and the recognition of such kingship or queenship lapses in terms of subsection (8)*(c)*, the kingship or queenship council shall be deemed to be a principal traditional council.

(10) Any recommendation made by the CTLDC remains valid notwithstanding the repeal of the Framework Act.

(11) Any dispute or claim that has not been disposed of by the CTLDC by the expiry of its term of office must be dealt with in accordance with the provisions of section 59 of this Act or any relevant provisions provided for in provincial legislation.

(12) Subject to the provisions of sections 27 and 28, the traditional and Khoi-San leaders who, on the date of commencement of this Act were members of the National House of Traditional and Khoi-San Leaders, remain members of the House until 30 June 2027, whereupon the House must be reconstituted in terms of this Act: Provided that anything done by the National House in accordance with a provision of any of the laws as contemplated in section 27(3), shall be deemed to have been done in terms of the corresponding provisions of this Act.

(13) Notwithstanding the provisions of section 49, the traditional and Khoi-San leaders who, on the date of commencement of this Act were members of a provincial house of traditional and Khoi-San leaders established and constituted in terms of provincial legislation, remain members of the provincial house concerned until 31 May 2027 and any subsequent reconstitution of such a house must comply with the provisions of section 49.

(14) Subject to the provisions of section 50(8), the members of a local house of traditional and Khoi-San leaders who, on the date of commencement of this Act were members of such a house, remain members of the local house concerned until 30 April 2027, whereupon the local house must be reconstituted in terms of this Act: Provided that anything done by a local house in accordance with a provision of any of the laws as contemplated in section 50(8), shall be deemed to have been done in terms of the corresponding provisions of this Act.

(15) Any formula published in the *Gazette* in terms of a provision of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, continues to apply until it is replaced by a formula issued in terms of the applicable provision of this Act.

(16) Any consultations done in terms of the 2019-Act in respect of the establishment of a kingship or queenship council, principal traditional council, traditional council or Khoi-San council prior to the repeal of that Act but subject to the date of invalidity, is deemed to have been done in accordance with the corresponding provisions of this Act.

(17) *(a)* Subject to subsections (1)*(d)* and (4), the members of a kingship or queenship council, a principal traditional council or a traditional sub-council who, on the date of commencement of this Act were members of such a council established and constituted in terms of applicable provincial legislation, remain members of the council concerned until 30 April 2027, whereupon such council must be reconstituted in accordance with the provisions of section 16 or 17, as the case may be.

(b) Subject to subsections (1)*(d)* and (4), the members of a kingship or queenship council, a principal traditional council or a traditional sub-council who, on the date of commencement of this Act were members of such a council established and constituted in terms of the 2019-Act, prior to the repeal of that Act but subject to the date of invalidity, remain members of the council concerned until 30 April 2027, whereupon such council must be reconstituted in accordance with the provisions of section 16 or 17, as the case may be.

(18) *(a)* Subject to subsections (1)*(d)* and (4), the members of a traditional council who, on the date of commencement of this Act were members of such a council established and constituted in terms of applicable provincial legislation, remain members of the council concerned until 31 March 2027, whereupon such council must be reconstituted in accordance with the provisions of section 16.

(b) Subject to subsections (1)*(d)* and (4), the members of a traditional council who, on the date of commencement of this Act were members of such a council established and constituted in terms of the 2019-Act, prior to the repeal of that Act but subject to the date of invalidity, remain members of the council concerned until 31 March 2027, whereupon such council must be reconstituted in accordance with the provisions of section 16.

(19) The members of a Khoi-San council that was established in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, remain members of the council concerned until 31 March 2032, whereupon such council must be reconstituted in accordance with the provisions of section 18.

(20) *(a)* A recognised senior Khoi-San leader will, with effect from the date of publication of a notice contemplated in section 10(5)*(a)* or 58(5)*(a)*, as the case may be, become a member of the relevant local house established in terms of section 50(1) of this Act if such a house has been established.

(b) For the purposes of a local house as contemplated in section 50(4) of this Act only branch heads who, at the time of establishment of such house were recognised in terms of section 10(5)*(a)* or 58(5)*(a)* of this Act, as the case may be, may be considered for membership of such house.

(c) Recognised senior Khoi-San leaders will become members of provincial houses at a time and in a manner provided for in provincial legislation as contemplated in section 49 of this Act.

(d) In a province where a provincial house has been established, recognised senior Khoi-San leaders will become members of the National House in accordance with the provisions of the provincial legislation as contemplated in section 49 of this Act and subject to section 28(1)*(b)* of this Act.

(e) In a province where a provincial house has not been established, the provisions of section 28(2) of this Act apply in respect of recognised senior Khoi-San leaders.

(f) Notwithstanding the provisions of paragraph *(c)*, any senior Khoi-San leader who has been recognised prior to the enactment of provincial legislation as contemplated in section 49 of this Act may, upon a decision of the relevant provincial house, become a co-opted member of such house with observer status.

(g) A recognised senior Khoi-San leader who becomes a co-opted member of a provincial house as contemplated in paragraph *(f)*, may be reimbursed for his or her travel and accommodation expenditure for the purposes of attending meetings of such house, in accordance with the travel and subsistence policy of the provincial department responsible for providing administrative and financial support to such house.

(h) The provisions of this subsection apply from the date of commencement of this Act.

(21) In any instance where the area of jurisdiction of a traditional council or traditional sub-council has been defined in terms of national or provincial legislation prior to the commencement of this Act, a Premier must, within three years of the commencement of this Act, or such further period as the Minister may determine, have such areas of jurisdiction mapped and publish such maps by notice in the relevant Provincial *Gazette*: Provided that this provision does not apply in instances where such an area of jurisdiction has been defined, mapped and published in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity.

(22) *(a)* Any partnership or agreement entered into by a kingship or queenship council, principal traditional council, traditional council or traditional sub-council prior to the commencement of this Act, must, within three years from such commencement, be reviewed by the relevant Premier to determine whether such partnership or agreement meets the requirements of section 24(3)*(a)*, *(b)*, *(c)*, *(e)* and (4).

(b) If a Premier is of the opinion that a partnership or agreement contemplated in paragraph *(a)* does not meet such requirements, the Premier must refer such partnership or agreement to the parties who entered into such partnership or agreement and request them to either amend or re-enter into such partnership or agreement to ensure compliance with section 24(3)*(a)*, *(b)*, *(c)*, *(e)* and (4), or to cancel such partnership or agreement.

(c) The provisions of section 24(6) apply to partnerships and agreements contemplated in this subsection.

(d) The provisions of this subsection do not apply to any partnership or agreement which, at the commencement of this Act, has been entered into in accordance with any enabling provisions of any other law.

(e) Any partnership or agreement that has been reviewed as contemplated in paragraph *(a)* prior to the repeal of the 2019-Act but subject to the date of invalidity, is deemed to have been reviewed in terms of this subsection.

(23) *(a)* Any Khoi-San community or branch that was recognised as such in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, is deemed to have been recognised as such in terms of sections 5(3) or (8) or 58(5)*(a)* of this Act, as the case may be.

(b) Any senior Khoi-San leader or branch head who was recognised as such in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, is deemed to have been recognised as such in terms of section 10(5)*(a)* or 58(5)*(a)* of this Act, as the case may be.

(c) Any Khoi-San council that was established in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, is deemed to have been established

in terms of section 18 of this Act and for the term contemplated in section 18(8).

(d) Any recognition or establishment as contemplated in paragraphs *(a)*, *(b)* and *(c)* that was done after the date of invalidity takes effect, if applicable, must be reconsidered and re-established in terms of the relevant provisions of this Act.

(24) *(a)* For the purposes of this subsection, the Commission on Khoi-San Matters that was established in terms of sections 51 and 52 of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, is referred to as the previous Commission and the Commission on Khoi-San Matters to be established in terms of sections 51 and 52 of this Act after the commencement of this Act, is referred to as the new Commission.

(b) Any application for the recognition of a Khoi-San community, branch, senior Khoi-San leader or branch head that was lodged with the previous Commission in terms of the 2019-Act prior to the repeal of that Act but subject to the date of invalidity, and within the period referred to in section 57(2)*(a)* of that Act or any extension of such period, and in respect of which the previous Commission—

(i) has not conducted any research or the research is incomplete; or
(ii) has not conducted any investigation or the investigation is incomplete; or
(iii) has finalised the research and investigation but has not made a recommendation to the Minister prior to the repeal of that Act,

is deemed to have been lodged with the new Commission in terms of section 56 of this Act.

(c) If the previous Commission has made a recommendation to the Minister in terms of section 58(2)*(c)* of the 2019-Act but the Minister has not taken a decision as contemplated in section 58(3) prior to the repeal of the 2019-Act but subject to the date of invalidity, the Minister must, within 60 days from the commencement of this Act, comply with section 58(3) of this Act.

(d) Any research and investigations conducted by the previous Commission are, subject to the date of invalidity, if applicable, deemed to have been conducted by the new Commission: Provided that the new Commission may conduct additional research and investigations before complying with section 58(1) and (2) of this Act.

(e) The application form developed by the previous Commission and published under General Notice 802 in *Gazette* No. 45865 of 4 February 2022 is, subject to the date of invalidity, if applicable, deemed to have been developed in terms of section 56(2) of this Act: Provided that the new Commission may revise the application form, taking into account the need for consistency.

Amendment of legislation

64. The legislation mentioned in Schedule 3 to this Act, is hereby amended to the extent set out in that Schedule.

Repeal of legislation and savings

65. (1) The legislation specified in Schedule 4 to this Act, is repealed to the extent indicated in the third column of that Schedule.

(2) Anything done or deemed to have been done under any provision of a law repealed by subsection (1) and which may or must be done in terms of this Act, is regarded as having been done in terms of the corresponding provision of this Act.

Short title and commencement

66. This Act is called the Traditional and Khoi-San Leadership Act, 2024 and comes into operation on the date to be determined by the President by proclamation in the *Gazette*.

SCHEDULE 1

Code of conduct for members of houses and councils

1. Definitions
2. General conduct of members
3. Attendance of meetings
4. Sanctions for non-attendance of meetings
5. Disclosure of interests
6. Personal gain
7. Declaration of interests
8. Rewards, gifts and favours
9. Unauthorised disclosure of information
10. Breach of code by a member of the National House
11. Breach of code by a member of a provincial house, a local house or a council

Definitions

1. In this Schedule, unless the context indicate otherwise—

(a) **''House''** means the National House of Traditional and Khoi-San Leaders, a provincial house of traditional and Khoi-San leaders and a local house of traditional and Khoi-San Leaders;

(b) **''member''** means a member of a House or a council;

(c) **''council''** means a kingship or queenship council, principal traditional council, traditional council, traditional sub-council, Khoi-San council and a branch.

General conduct of members

2. A member—

(a) must perform his or her functions in good faith and in an honest, non-discriminatory and transparent manner;

(b) must at all times act in the best interest of the House or council and in such a way that the credibility and integrity of the House or council are not compromised;

(c) may not deliberately do anything calculated to unjustly or unfairly injure the reputation of another member;

(d) may not use the power of his or her office to seek or obtain special advantage for personal benefit that is not in the public interest; and

(e) may not disclose confidential information acquired in the course of his or her duties, unless required by law to do so or by circumstances to prevent substantial injury to third persons.

Attendance of meetings

3. A member must attend each meeting of the House or a council and of a committee of the House or a council of which he or she is a member, except when—

(a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the House or council; or

(b) that member is required in terms of item 5(1)*(b)* to withdraw from a meeting.

Sanctions for non-attendance of meetings

4. (1) A member who, without leave of absence, is absent from three or more consecutive meetings of the House or a council which that member is required to attend, must be removed from office as a member of the House or such council.

(2) The removal of a member from office in terms of sub-item (1) is subject to the provisions of item 10 in the case of a member of the National House and item 11 in the case of a member of a provincial house, a local house or a council.

Disclosure of interests

5. (1) A member must—

(a) disclose to the House or a council, or to any committee of the House or a council of which he or she is a member, any direct or indirect personal or private business interest that that he or she, or any spouse, partner, business associate or close family member of that member, may have in any matter before the House or a council or before a committee of the House or a council; and

(b) withdraw from the proceedings of the House or a council or committee of the House or a council when a matter as contemplated in paragraph *(a)* is considered by the House, council or committee, unless the House or a council or a committee thereof decides that the member's direct or indirect interest in the matter is trivial or irrelevant.

(2) A member who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the House or a council, must disclose full particulars of the benefit of which that member is aware of, at the first meeting of the House or a council at which it is possible for the member to make such disclosure.

Personal gain

6. (1) A member may not use the position or privileges of being a member, or confidential information obtained as a member, for private gain or to improperly benefit another person.

(2) Except with the prior consent of the House or a council, a member may not—

(a) be a party to or a beneficiary under a contract for the provision of goods or services to the House or a council;

(b) obtain a financial interest in any business of the House or a council; or

(c) for a fee or other consideration appear on behalf of any other person before the House or a council or a committee of the House or a council.

(3) If more than one-quarter of the members of the House or a council object to consent being given to a member in terms of sub-item (2), such consent may only be given to the member with the approval of the Minister in the case of the National House and the relevant Premier in the case of a provincial house, a local house or a council.

Declaration of interests

7. (1) When elected or appointed, a member must within 60 days of his or her election or appointment, declare in writing to an official of the House or of a council, designated by the Minister in the case of the National House or by the relevant Premier in the case of a provincial house, a local house or a council, the following financial interests held by such member:

(a) Shares and securities in any company;

(b) membership of any close corporation;

(c) interest in any trust;

(d) directorships;

(e) partnerships;

(f) other financial interests in any business-undertaking;

(g) employment and remuneration;

(h) interest in property;

(i) pension; and

(j) subsidies, grants and sponsorships by any organisation.

(2) Any change in the nature or detail of the financial interests of a member must annually be declared in writing to the official referred to in sub-item (1).

(3) Gifts received by a member with a value above an amount as may be determined by the Minister by notice in the *Gazette*, must also be declared in accordance with sub-item (1).

(4) The House or a council must determine which of the financial interests referred to in sub-item (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

Rewards, gifts and favours

8. A member may not request, solicit or accept any reward, gift or favour for—

(a) voting or not voting in a particular manner on any matter before the House or a council or before a committee of the House or a council, of which he or she is a member;

(b) persuading the House or a council or any committee of the House or a council with regard to the exercise of any power, function or duty;

(c) making a representation to the House or a council or any committee of the House or a council; or

(d) disclosing privileged or confidential information.

Unauthorised disclosure of information

9. (1) A member may not without the permission of the House or a council or a committee of the House or a council, disclose any privileged or confidential information of the House or a council or such committee to any unauthorised person.

(2) For the purposes of this item ''privileged or confidential information'' includes any information—

(a) in respect of which the House or a council or a committee of the House or a council is the original author and is classified by the House or a council or a committee of the House or a council, to be privileged or confidential;

(b) discussed in closed session by the House or a council or a committee of the House or a council;

(c) of which the disclosure would violate a person's right to privacy; or

(d) declared to be privileged, confidential or secret in terms of law.

(3) This item does not derogate from the right of any person to apply for access to information in terms of relevant national legislation.

Breach of code by a member of the National House

10. (1) If the National House, on reasonable grounds, is of the opinion that a provision of the code of conduct has been breached by one of its members, the National House must—

(a) authorise an investigation of the facts and circumstances of the alleged breach; and

(b) give the member of the National House a reasonable opportunity to reply in writing regarding the alleged breach:

Provided that the National House may suspend the relevant member for the duration of such an investigation.

(2) The National House must inform the Minister of the outcome of any investigation.

(3) The Secretary must ensure that each member of the National House, when taking office, is given a copy of this code of conduct and that a copy of the code is available in every room or place where the National House or a committee of the National House meets.

(4) If the National House has authorised an investigation, it must establish an investigative committee—

(a) to investigate and make a finding on any alleged breach of the code of conduct; and

(b) to make recommendations in respect of an appropriate sanction or sanctions to the National House.

(5) If an investigative committee appointed by the National House to conduct an investigation finds that a member of the National House, including the chairperson or deputy chairperson, has breached a provision of the code of conduct, the National House may—

(a) issue a formal warning to such member;

(b) reprimand such member;

(c) suspend such member for a period specified by the National House; or

(d) remove such member from office.

(6) *(a)* Any member of the National House who has been warned, reprimanded, suspended or removed in terms of paragraph *(a)*, *(b)*, *(c)* or *(d)* of sub-item (5) may, within 14 days of having been notified of the decision of the National House, appeal to the Minister in writing setting out the reasons on which the appeal is based.

(b) A copy of the appeal must be provided to the National House.

(c) The National House may, within 14 days of receipt of the appeal referred to in paragraph *(b)*, make any representation pertaining to the appeal to the Minister in writing.

(d) The Minister may, after having considered the appeal, confirm, set aside or vary the decision of the National House and inform the relevant member of the National House as well as the House of the outcome of the appeal.

(7) *(a)* If the National House does not authorise an investigation as contemplated in sub-item (1), the Minister must appoint a person or a committee to investigate any alleged breach of a provision of this code of conduct by a member of the National House and to make recommendations as to the appropriate sanction in terms of sub-item (5): Provided that the Minister may suspend the relevant member for the duration of such investigation.

(b) If the Minister is of the opinion that a member of the National House has breached a provision of this code of conduct, and that such contravention warrants a suspension or removal from office, the Minister may—

(i) suspend the member of the National House for a period and on conditions determined by the Minister; or

(ii) remove the member of the National House from office.

(8) Any investigation in terms of this item must be conducted in accordance with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

Breach of code by a member of a provincial house, a local house or a council

11. (1) If a provincial house, a local house or a council, or any member of such a house or council, on reasonable grounds, is of the opinion that a member of such house or council, excluding the chairperson, has breached a provision of this code of conduct, that house or council must establish an investigative committee—

(a) to investigate and make a finding on any alleged breach of this code of conduct; and

(b) to make recommendations to the relevant house or council:

Provided that the house or council may suspend the relevant member for the duration of such investigation.

(2) If an investigative committee finds that a member of a provincial house, a local house or a council has breached a provision of this code of conduct, the relevant house or council may—

(a) issue a formal warning to such member;

(b) reprimand such member;

(c) request the relevant Premier to suspend the member for a period determined by the Premier; or

(d) request the Premier to remove the member from office.

(3) *(a)* If the relevant provincial house, local house or council does not establish an investigative committee as contemplated in sub-item (1), the relevant Premier must appoint a person or an investigative committee to investigate any alleged breach of a provision of this code of conduct and to make recommendations as to the appropriate sanction in terms of sub-item (2): Provided that in the event of an alleged breach of the code of conduct by the chairperson of a provincial house, a local house or a council, the provisions of this item must be applied by the Premier: Provided further that the Premier may suspend the relevant member for the duration of such investigation.

(b) If a Premier is of the opinion that a member of a provincial house, a local house or a council has breached a provision of this code of conduct and that such contravention warrants a suspension or removal from office, the Premier may—

(i) issue a formal warning to such member;

(ii) reprimand such member;

(iii) suspend the member for a period and on conditions as he or she may determine; or

(iv) remove a member from office: Provided that in the case of the chairperson of a council, any such removal from office is subject to the relevant provision of the Act dealing with the withdrawal of recognition of the leadership position concerned.

(4) If a Premier fails to comply with sub-item (3)*(a)*, the Minister must appoint a person or an investigative committee to conduct an investigation as contemplated in sub-item (3)*(a)*, and the provisions of sub-item (3)*(b)* apply with the necessary changes.

(5) The Commissions Act, 1947 (Act No. 8 of 1947), or where appropriate, applicable provincial legislation, may be applied to an investigation in terms of sub-item (3).

(6) Any investigation in terms of this item must be conducted in accordance with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

SCHEDULE 2

PART A

OATH BY MEMBERS OF THE NATIONAL HOUSE, PROVINCIAL HOUSES AND LOCAL HOUSES

I, …… (name of member), do swear that I will be faithful to the House and will obey, respect and uphold the Constitution and all other law of the Republic, and I solemnly promise to perform my functions as a member of the House to the best of my ability.

So help me God.

……
Signature of Member
Date:

PART B

AFFIRMATION BY MEMBERS OF THE NATIONAL HOUSE, PROVINCIAL HOUSES AND LOCAL HOUSES

I,.....(name of member), do solemnly affirm that I will be faithful to the House and will obey, respect and uphold the Constitution and all other law of the Republic, and I solemnly promise to perform my functions as a member of the House to the best of my ability.

……
Signature of Member
Date:

SCHEDULE 3

AMENDMENT OF LEGISLATION

Section 64

Amendment of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997

1. The Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997), is hereby amended by the substitution in section 1 for paragraph (*e*) of the definition of **'office-bearer'** with the following paragraph:

''*(e)* any **[member of the National House of Traditional Leaders, any member of any provincial house of traditional leaders or any traditional leader]**

(i) king, queen, principal traditional leader, senior traditional leader, senior Khoi-San leader, headman, headwoman and branch head recognised in accordance with the relevant provisions of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), prior to the repeal of that Act or as contemplated in section 28 of that Act, or recognised in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), prior to the repeal of that Act, or recognised in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2024;

(ii) member of the National House of Traditional and Khoi-San leaders, any provincial house of traditional and Khoi-San leaders and any local house of traditional and Khoi-San leaders established in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2019, prior to the repeal of that Act, or established in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2024, or in accordance with the provisions of any applicable provincial legislation; and

(iii) non-traditional leader member of any kingship or queenship council, principal traditional council, traditional council, traditional sub-council, Khoi-San council or branch established in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2019 or as contemplated in section 63 of that Act, prior to the repeal of that Act, or established in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2024: Provided that in respect of a non-traditional leader member recommendations may be made only in respect of allowances as referred to in section 8(4)*(a)* and *(c)*;''.

Amendment of the Remuneration of Public Office Bearers Act, 1998

2. The Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), (hereinafter referred to as the Remuneration Act), is hereby amended by the substitution for the long title of the following long title:

''**To provide for a framework for determining the salaries and allowances of the President, members of the National Assembly, permanent delegates to the National Council of Provinces, Deputy President, Ministers, Deputy Ministers, traditional leaders, Khoi-San leaders, non-traditional leader members of traditional and Khoi-San councils, non-traditional leader members of kingship or queenship councils, non-traditional leader members of traditional sub-councils, non-traditional leader members of principal traditional councils; members of local Houses of Traditional and Khoi-San Leaders, members of provincial houses of Traditional and Khoi-San Leaders and members of the National House of Traditional and Khoi-San Leaders; to provide for a framework for determining the upper limit of salaries and allowances of Premiers, members of Executive Councils, members of provincial legislatures and members of Municipal Councils; to provide for a framework for determining pension and medical aid benefits of office bearers; to provide for the repeal of certain laws; and to provide for matters connected therewith.**''.

3. Section 1 of the Remuneration Act is hereby amended—

(a) by the substitution for the definition of **''benefits''** of the following definition:

'' **'benefits' [means]** in respect of a traditional leader, Khoi-San leader, non-traditional leader member **[of a traditional council, non-traditional leader members of traditional sub-councils, non-traditional**

leader members of principal traditional councils; a member of a kingship or queenship council; non-traditional members of kingship or queenship councils, a member of a local House of Traditional Leaders, a member of a provincial house of Traditional Leaders and a member of the National House of Traditional Leaders] and member of a house means those benefits which the President may determine in terms of section 5(3), and in respect of all other office bearers, the contributions contemplated in sections 8(2) and (5) and 9(2) and (5);'';

(b) by the insertion after the definition of **''Executive Council''** of the following definitions:

'' **'Khoi-San leader'** means a Khoi-San leader as defined in section 1 of the Traditional and Khoi-San Leadership Act, 2024;

'member of a house' means a member of the National House of Traditional and Khoi-San Leaders, a provincial house of traditional and Khoi-San leaders and a local house of traditional and Khoi-San leaders as established in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2019, prior to the repeal of that Act, or established in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2024, or any applicable provincial legislation;'';

(c) by the insertion after the definition of **''Minister''** of the following definition:

'' **'non-traditional leader member'** means a non-traditional leader member of any kingship or queenship council, principal traditional council, traditional council, traditional sub-council, Khoi-San council or branch established in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2019, prior to the repeal of that Act, or established in accordance with the relevant provisions of the Traditional and Khoi-San Leadership Act, 2024;'';

(d) by the substitution for the definition of **''office bearer''** of the following definition:

'' 'office bearer' means a Deputy President, a Minister, a Deputy Minister, a member of the National Assembly, a permanent delegate, a Premier, a member of an Executive Council, a member of a provincial legislature, a traditional leader, a Khoi-San leader, a non-traditional leader member **[of a traditional council, a member of a kingship or queenship council, non-traditional leader members of traditional sub-councils, non-traditional leader members of principal traditional councils; a member of a local House of Traditional Leaders, a member of a provincial house of Traditional Leaders, a member of the National House of Traditional Leaders]**, a member of a house and a member of a Municipal Council;**''; and**

(e) by the substitution for the definition of **''traditional leader''** of the following definition:

'' **'traditional leader'** means a traditional leader as defined in section 1 of the Traditional **[Leadership and Governance Framework Act, 2003]** and Khoi-San Leadership Act, 2019, prior to the repeal of that Act, or as defined in section 1 of the Traditional and Khoi-San Leadership Act, 2024.''.

4. The following section is hereby substituted for section 5 of the Remuneration Act, 1998:

''Salaries, allowances and benefits of traditional leaders, Khoi-San leaders, non-traditional leader members [of traditional councils, members of kingship or queenship councils, members of local Houses of Traditional Leaders, members of provincial houses of Traditional Leaders and members of National House of Traditional Leaders] and members of houses

5. (1) Traditional leaders, Khoi-San leaders, non-traditional leader members **[of any traditional council, non-traditional leader members of any kingship or queenship council, non-traditional leader members of traditional sub-councils, non-traditional leader members of principal traditional councils; members of any local House of Traditional Leaders, members of any provincial house of Traditional Leaders and members of the National House of Traditional Leaders]** and members of houses shall, despite anything to the contrary in any other law contained, be entitled to such salaries and allowances as may from time to time be determined by the President after consultation with the Premier concerned by proclamation in the *Gazette*, after taking into consideration—

(a) any recommendations of the Commission;

(b) the role, status, duties, functions and responsibilities of different categories of traditional leaders, Khoi-San leaders, non-traditional leader members **[of traditional councils, non-traditional leader members of traditional sub-councils, non-traditional leader members of principal traditional councils; members of kingship or queenship councils, non-traditional members of kingship or queenship councils, different members of the local Houses of Traditional Leaders, different members of the Houses of Traditional Leaders in the various provinces and different members of the National House of Traditional Leaders]** and different members of houses;

(c) the affordability of different levels of remuneration of public office bearers;

(d) the current principles and levels of remuneration in society generally;

(e) the need for the promotion of equality and uniformity of salaries and allowances for equal work performed;

(f) the enhancement of co-operation, unity and understanding between traditional communities and Khoi-San communities nationally;

(g) the extent of the role and functions of traditional leaders and Khoi-San leaders across provincial borders; and

(h) inflationary increases.

(2) Despite the provisions of subsection (1), a traditional leader, a Khoi-San leader, a non-traditional leader member **[of a traditional council, non-traditional leader members of traditional sub-councils, non-traditional leader members of principal traditional councils, a member of a kingship or queenship council, a member of a local House of Traditional Leaders, a member of a provincial house of Traditional Leaders or a member of the National House of Traditional Leaders]** and a member of a house who holds different public offices simultaneously, is only entitled to the salary, allowances and benefits of the public office for which he or she earns the highest income, but—

(a) this subsection shall not preclude the payment of out of pocket expenses for the performance of functions other than those for which such office bearer receives such highest income; and

(b) where only an allowance has been determined in terms of subsection (1) in respect of a traditional or Khoi-San leader's membership of a local house of traditional and Khoi-San leaders, a provincial house of traditional and Khoi-San leaders or the National House of Traditional and Khoi-San Leaders, such a traditional leader or Khoi-San leader shall be entitled to such an allowance in addition to his or her salary, allowances and benefits as a traditional leader or Khoi-San leader.

(3) *(a)* The President may, if he or she deems it expedient after consultation with the Minister and the Premier concerned, by proclamation in the *Gazette* determine any benefits to which a traditional leader, a Khoi-San leader, a non-traditional leader member **[of a traditional council, a member of a kingship or queenship council, non-traditional leader members of kingship or queenship councils, a member of any local House of Traditional Leaders, a member of any provincial house of Traditional Leaders or a member of the National House of Traditional Leaders]** or a member of a house shall be entitled, subject to such conditions as the President may prescribe.

(b) If the President decides to determine such benefits, the criteria listed in paragraphs *(a)* to *(h)* of subsection (1) shall be applicable, with the necessary changes.

(4) The amount payable in respect of salaries, allowances and benefits to traditional leaders, Khoi-San leaders, non-traditional leader members **[of a traditional council, non-traditional leader members of traditional sub-councils, non-traditional leader members of principal traditional councils, members of a kingship or queenship council, non-traditional leader members of kingship or queenship councils; members of local houses of Traditional Leaders, members of provincial houses of Traditional Leaders and members of the National House of Traditional Leaders]** and members of houses shall be paid from monies appropriated for that purpose by Parliament in respect of the National House of Traditional and Khoi-San Leaders and by a provincial legislature in respect of traditional leaders, Khoi-San leaders, non-traditional leader members **[of traditional councils, the members of kingship or queenship councils, non-traditional leader members of kingship or queenship councils]**, members of local houses of traditional and Khoi-San leaders and members of provincial houses of traditional and Khoi-San leaders, as the case may be.

(5) . . .

(6) Despite the provisions of subsection (1), a member of the National House of Traditional and Khoi-San Leaders shall be entitled to an allowance as determined by the President by proclamation in the *Gazette* for actual work performed with effect from 10 April 1997 until a determination is made in terms of subsection (1).''.

5. Section 8 of the Remuneration Act, 1998, is hereby amended by the substitution for subsection (6) of the following subsection:

''(6) The provisions of this section shall, subject to section 5(3), not apply to a traditional leader, a Khoi-San leader, a non-traditional leader member **[of a traditional council, non-traditional leader members of traditional sub-councils, non-traditional leader members of principal traditional councils, a member of a kingship or queenship council, non-traditional leader members of kingship or queenship councils, a member of a local House of Traditional Leaders, a member of a provincial house of Traditional Leaders and a member of the National House of Traditional Leaders]** or a member of a house.''.

6. Section 9 of the Remuneration Act, 1998, is hereby amended by the substitution for subsection (6) of the following subsection:

''(6) The provisions of this section shall, subject to section 5(3), not apply to a traditional leader, a Khoi-San leader, a non-traditional leader member **[of a traditional council, non-traditional leader members of traditional sub-councils, non-traditional leader members of principal traditional councils; a member of a kingship or queenship council, non-traditional leader members of kingship or queenship councils, a member of a local House of Traditional Leaders, a member of a provincial house of Traditional Leaders and a member of the National House of Traditional Leaders]** or a member of a house.''.

Amendment of the Local Government: Municipal Structures Act, 1998

7. (1) The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), is hereby amended by the substitution for section 81 of the following section:

Participation of traditional and Khoi-San leaders in municipal councils

''**81.** (1) In this section, unless the context indicates otherwise—

''branch'' means a branch of a Khoi-San community recognised as such in terms of section 5(5) of the TKLA;

''Khoi-San council'' means a Khoi-San council established for a recognised Khoi-San community in accordance with the provisions of section 18 of the TKLA;

''local house'' means a local house of traditional and Khoi-San leaders as contemplated in section 50 of the TKLA;

''MEC'' means the member of the Executive Council responsible for local government matters in a particular province;

''participating leader'' means the chairperson of a local house, the member or members elected by such local house as contemplated in subsection (2)*(a)* and *(b)*, and the person or persons nominated as contemplated in subsection (2)*(c)*;

''TKLA'' means the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), prior to the repeal of that Act, or the Traditional and Khoi-San Leadership Act, 2024;

''traditional council'' means a traditional council established for a recognised traditional community in accordance with the provisions of section 16 of the TKLA;

''traditional sub-council'' means a traditional sub-council as contemplated in section 17 of the TKLA.

(2) *(a)* Where a local house has been established for the area of jurisdiction of a local or metropolitan municipality, the chairperson of such local house and two other members elected by such local house may participate in the proceedings of the council of such local or metropolitan municipality.

(b) Where a local house has been established for the area of jurisdiction of a district municipality—

(i) the chairperson of the local house and two other members elected by such local house may participate in the proceedings of the council of that district municipality; and

(ii) the local house may, in respect of each local municipality falling within the area of jurisdiction of the district municipality, elect at least one but not more than two members to participate in the proceedings of the councils of such local municipalities: Provided that the chairperson and members of the local house contemplated in subparagraph (i) may not be considered for the purposes of this subparagraph: Provided further that the person or persons to be elected for the purposes of this subparagraph must be residing within the area of jurisdiction of such local municipality.

(c) Where there are no local houses within the areas of jurisdiction of any local, district or metropolitan municipality, but there are traditional councils and Khoi-San councils—

(i) the MEC must hold a consultative meeting with all the recognised senior traditional leaders and recognised senior Khoi-San leaders falling within the area of jurisdiction of the particular municipality; and

(ii) the senior traditional leaders and senior Khoi-San leaders present at such meeting must, from amongst themselves—

(aa) nominate one person in respect of each such municipality to participate in the proceedings of that municipality; and

(bb) nominate one person in respect of each such municipality who will fill any vacancy of the position of participating leader which may occur:

Provided that if consensus cannot be reached on the participating leader or the person to fill a vacancy, the leaders must vote for nominated candidates in any manner deemed appropriate by the MEC.

(d) At least a third of the total number of members elected or nominated in terms of paragraph *(a)*, *(b)* or *(c)* must be women.

(e) The chairperson of a local house must, within two weeks from the date of any election contemplated in paragraph *(a)* or *(b)*, provide the MEC with the full names and surname, identity number and contact details of himself or herself and all elected persons.

(f) The MEC must, in respect of each chairperson and elected or nominated person as contemplated in this subsection, submit to the relevant local, district or metropolitan municipality the information contemplated in paragraph *(e)*.

(g) The election and nomination of participating leaders as contemplated in paragraphs *(a)*, *(b)* and *(c)* must commence at least one month prior to the date of election of a municipal council and must be completed prior to such date: Provided that the MEC may determine a longer period which may not be longer than one month after the date of election of the specific municipal council.

(3) *(a)* A person may not be a participating leader if he or she—

(i) is under the age of 18;

(ii) is not a South African citizen;

(iii) is not a recognised senior traditional leader or recognised senior Khoi-San leader as provided for in the TKLA;

(iv) has been convicted of an offence and is sentenced to imprisonment for more than 12 months without the option of a fine;

(v) is impaired to the extent that he or she cannot participate in the proceedings of the municipal council;

(vi) is an unrehabilitated insolvent or has entered into a compromise with his or her creditors;

(vii) is of unsound mind and has been so declared by a competent court;
(viii) is an elected councillor of a municipal council;
(ix) is a member of a provincial legislature;
(x) is a member of the National Assembly;
(xi) is a permanent delegate in the National Council of Provinces; or
(xii) is a full-time member of any house of traditional and Khoi-San leaders.

(b) A participating leader may no longer participate in the proceedings of a municipal council if—

(i) any of the circumstances referred to in subparagraphs (ii) to (xii) of paragraph *(a)* becomes applicable to such participating leader; or
(ii) he or she tenders his or her resignation as participating leader.

(c) A participating leader may not be elected or nominated for participation in the councils of more than one category of municipality.

(d) The death of a participating leader or any of the circumstances referred to in paragraph *(b)* will result in a vacancy of the position of participating leader which vacancy must be filled in accordance with the provisions of subsection (2)*(a)*, *(b)* or *(c)*, as the case may be, and subject to subsection (2)*(d)*, *(e)* and *(f)*.

(4) A participating leader may participate in the proceedings of the local, district or metropolitan municipality, as the case may be, and—

(a) must perform such official or ceremonial duties as the municipal council may request him or her to do;
(b) must attend and participate in any meeting of the municipal council and may, subject to the rules and orders of the municipal council, submit motions, make proposals and ask questions: Provided that the non-attendance or non-participation of any participating leader will have no effect on any municipal council proceedings;
(c) must attend and participate in any meetings of a committee of the relevant municipal council to which such leader has been co-opted in terms of section 79(2)*(d)* of this Act;
(d) is subject to the appropriate provisions of the Code of Conduct contained in Schedule 7 and the standing rules and orders of the relevant municipality;
(e) is not entitled to vote in any meeting of the municipal council or council committee and cannot be included for the purpose of establishing a *quorum* in the municipal council or council committee; and
(f) may address the municipal council on—
(i) any matter directly or indirectly affecting traditional or Khoi-San leadership or the relevant traditional or Khoi-San council or community; or
(ii) any other matter involving traditional or Khoi-San communities in the area of jurisdiction of the relevant municipal council.

(5) A participating leader—

(a) may participate in the proceedings of the specific municipal council for the duration of the term of such council as contemplated in section 24 of this Act;
(b) may not serve consecutive terms: Provided that if there are no other recognised senior traditional leaders or recognised senior Khoi-San leaders available to be considered for election or nomination as contemplated in subsection (2) when a new municipal council is elected, a participating leader who has previously been elected or nominated may serve consecutive terms;
(c) may not request any other person to participate in the proceedings of a municipal council on his or her behalf.

(6) A participating leader must, within three weeks from the date of a municipal council meeting, prepare a report on all matters affecting the relevant traditional and Khoi-San communities, as discussed and decided on by such municipal council, and submit the report to the local house and traditional and Khoi-San councils falling within the area of jurisdiction of such municipality: Provided that where more than one participating leader participate in the proceedings of any municipal council, such leaders must, within two weeks from the date of a municipal council meeting, meet to prepare the report referred to in this subsection.

(7) A committee of a municipal council as referred to in subsection (4)*(c)*, may invite any recognised traditional leader or any recognised Khoi-San leader other than a participating leader, to address such committee on any matter affecting the relevant traditional or Khoi-San community or communities.

(8) A participating leader must act in an impartial manner and must—

(a) support municipal councils in the identification of the specific needs of the traditional and Khoi-San communities falling within the area of the municipality;

(b) facilitate the involvement of the traditional and Khoi-San communities in the development or amendment of the integrated development plan of the relevant municipality;

(c) support the relevant municipality in promoting integrated local economic development and planning;

(d) facilitate the participation of the relevant traditional and Khoi-San communities in any affairs of the municipality that requires or allows for public participation, including the affairs of ward committees;

(e) make recommendations and propose appropriate interventions in respect of service delivery within the defined areas of jurisdiction of the relevant traditional councils;

(f) participate in the development of policy and by-laws at a municipal level;

(g) participate in relevant development programmes of the municipality;

(h) promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery;

(i) promote indigenous knowledge systems;

(j) participate and ensure the participation of traditional and Khoi-San communities in any environmental programmes of the municipality;

(k) alert the municipality to any current or threatening hazard or calamity which affects or may affect the municipal area;

(l) support the relevant municipality with the implementation of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), as far as that Act makes provision for the involvement of traditional leadership or structures,

and may advise the relevant municipal council on matters concerning the heritage, language, customs and traditions of the relevant traditional and Khoi-San communities.

(9) The councillors of a municipal council and the participating leaders must—

(a) recognise and respect each other's status and roles within the affairs of the municipality;

(b) recognise and respect the local sphere of government as a distinctive, interdependent and interrelated sphere of government as contemplated in the Constitution; and

(c) co-operate with one another in mutual trust and good faith by—

(i) fostering sound working relations with one another; and

(ii) assisting and supporting one another in the execution of their roles and responsibilities.

(10) *(a)* In the event of any breach of, or non-compliance with, the applicable provisions of the Code of Conduct contained in Schedule 7 by any participating leader, the municipal council concerned must forthwith inform the—

(i) relevant provincial house of traditional and Khoi-San leaders, if any such house has been established;

(ii) local houses of traditional and Khoi-San leaders within the area of the municipality, if any such houses have been established; and

(iii) traditional councils and Khoi-San councils within the area of the municipality,

of the nature of the alleged breach.

(b) Any alleged breach of, or non-compliance with, the applicable provisions of the Code of Conduct referred to in paragraph *(a)*, must be dealt with in accordance with the provisions of item 17 of that Code of Conduct.

(c) The findings of any investigation contemplated in item 17 of the Code of Conduct referred to in paragraph *(a)* and any sanctions imposed under that item, must be conveyed by the municipal council or MEC, as the case may be, to—

(i) the relevant participating leader;
(ii) the responsible MEC in the case of investigations conducted by the municipal council or a special committee as contemplated in item 16(1) of the Code of Conduct;
(iii) the municipal council in the case of investigations conducted by a person or committee appointed by the MEC as contemplated in item 17(4) of the Code of Conduct; and
(iv) the houses and councils referred to in paragraph *(a)*.

(d) Notwithstanding the provisions of paragraph *(a)*, a participating leader remains subject to the Code of Conduct contained in the Schedule to the TKLA, and any provincial code of conduct provided for in provincial legislation relating to traditional and Khoi-San leadership.

(11) The MEC—

(a) must, through any means deemed appropriate, monitor the implementation of this section in the province and make recommendations on such implementation to any relevant house of traditional and Khoi-San leaders, all relevant municipalities and all relevant participating leaders; and

(b) may delegate any of his or her powers referred to in this section, except the power to determine a longer period as contemplated in subsection (2)*(g)*, to the Director-General of the department responsible for traditional and Khoi-San matters in the particular province, or to any official of such department.

(12) A Premier may by notice in the Provincial *Gazette* make regulations on any matter that is necessary for the proper implementation of this section: Provided that such regulations may not be inconsistent with the provisions of this section.

(13) *(a)* A participating leader and an invited leader as contemplated in subsection (7), may, from the budget of the relevant municipal council, be reimbursed for any out of pocket expenses: Provided that for the purposes of this section, ''out of pocket expenses'' means actual and necessary expenses incurred by a participating leader in respect of own transport, public transport and parking, which expenses must be related to a meeting or event arranged by a municipal council or a committee of such council, or any ceremonial or official duties which such participating leader has been requested to attend to by the municipal council.

(b) Out of pocket expenses must be authorised by the municipality prior to the meeting or event referred to in paragraph *(a)*.

(c) Out of pocket expenses do not include any salaries, allowances or benefits as contemplated in the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), or resources as contemplated in the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (Act No. 92 of 1997).

(d) To ensure uniformity across provinces, the Minister may, after consultation with the Premiers and by notice in the *Gazette*, make regulations on out of pocket expenses.''.

(2) Schedule 6 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), is hereby repealed.

(3) The provisions of subsections (1) and (2) come into operation on the date of commencement of the Traditional and Khoi-San Leadership Act, 2024.

SCHEDULE 4

REPEAL OF LEGISLATION

(Section 65)

No	Title, number and year of law	Extent of repeal
1	Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003)	The whole
2	Traditional Leadership and Governance Framework Amendment Act, 2009 (Act No. 23 of 2009)	The whole
3	National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009)	The whole
4	Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019)	The whole
5	Local Government: Municipal Structures Amendment Act, 2021 (Act No. 3 of 2021)	Section 30

MEMORANDUM ON THE OBJECTS OF THE TRADITIONAL AND KHOI-SAN LEADERSHIP BILL, 2024

1. BACKGROUND AND OBJECTS OF BILL

1.1 Section 211 of the Constitution of the Republic of South Africa, 1996, makes provision for the recognition of the institution, status and role of traditional leadership according to customary law. It is further determined that a traditional authority that observes a system of customary law may function subject to any applicable legislation and customs. Section 212 of the Constitution determines that national legislation may provide for a role for traditional leadership as an institution at local level, while matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities may be dealt with through national or provincial legislation that makes provision for the establishment of houses of traditional leaders. This resulted in the promulgation of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003)(Framework Act), and the National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009)(National House Act).

1.2 While certain traditional structures and leadership positions have therefore been recognised by law in compliance with the Constitutional prescripts, there has never before been statutory recognition of the Khoi-San. The formal recognition of the Khoi-San communities, leaders and structures is only possible through enabling legislation.

1.3 Subsequently, it was decided to prepare a single Bill—

- to make provision for the recognition of the Khoi-San;
- to repeal and replace the Framework Act and the National House Act—
    - to ensure an integrated approach in dealing with all matters relating to traditional affairs;
    - to enhance the uniform manner in which matters relating to traditional affairs are dealt with across the country; and
    - to address legal uncertainties and gaps that have been identified in the two pieces of legislation; and
- to amend the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997), the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), and the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), appropriately.

1.4 The Traditional and Khoi-San Leadership Bill was therefore drafted and introduced in Parliament in September 2015 (hereinafter referred to as the 2015-Bill). Following the adoption of the 2015-Bill by Parliament in February 2019, it was assented to by the President in November 2019 and published in the *Gazette* on 28 November 2019 as Act No. 3 of 2019 (hereinafter referred to as the 2019-Act). The 2019-Act commenced on 1 April 2021.

1.5 The constitutionality of the 2019-Act was challenged in the Constitutional Court in the case of *Constance Mogale and Others v Speaker of the National Assembly and Others* [CCT 73/2022], mainly on what the applicants regarded as insufficient Parliamentary public participation.

1.6 On 30 May 2023, the Constitutional Court delivered its judgement on the matter and declared that Parliament has failed to comply with its constitutional obligation to facilitate public involvement before passing the 2019-Act. The 2019-Act was, as a consequence, adopted in a manner that was inconsistent with the Constitution and is therefore declared invalid.

1.7 The order declaring the Act invalid was suspended for a period of 24 months to enable Parliament to re-enact the statute in a manner that is consistent with the Constitution or to pass another statute in a manner that is consistent with the Constitution.

1.8 This Bill is therefore introduced for consideration by Parliament in accordance with the Constitutional Court order.

1.9 It should be noted that the Traditional Affairs General Amendment Bill (TAGAB) was tabled in Parliament as Bill 16 of 2022. In terms of the TAGAB, technical amendments would be made to section 16(3)*(a)* of the 2019-Act and section 81 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998). However, following the Constitutional Court judgement on the 2019-Act, the TAGAB was withdrawn and its provisions were included in this Bill.

1.10 The differences between the 2019-Act and this Bill are briefly as follows:—

- A few definitions were added including a definition for the 2019-Act and a definition for the "date of invalidity". The latter definition refers to the date on which the 2019-Act will become invalid should Parliament not comply with the timeframe set by the Court or the Court is approached for a possible extension of the timeframe and it is not granted. The Bill therefore has to take this possibility into account and therefore certain provisions, especially the transitional provisions, refer to the date of invalidity.
- The 2019-Act referred to certain five-year terms of office that ended in 2022 and would end every five years calculated from specific months in 2022 going forward. The 2022-dates were therefore changed to be calculated from 2027 going forward.
- A number of transitional provisions had to be included to determine the status of anything that was implemented in terms of the 2019-Act. However, the status of such will be subject to the date of invalidity, if it takes effect.
- The provisions of the TAGAB referred to above have been included.
- A few grammatical errors were corrected.

2. ANALYSIS OF BILL

2.1 Clause 1 of the Bill contains the definitions of certain terms and phrases used in the Bill. The definitions of ''principal traditional community'' and ''principal traditional leader'' seek to address any uncertainty in respect of who exactly are or can become principal traditional leaders. The two definitions make it clear that it is not a category of traditional leadership for which anyone can apply, but that it relates only to persons who by operation of law become principal traditional leaders.

2.2 Clause 2 of the Bill confirms that traditional and Khoi-San communities must promote Constitutional principles and may not use any official resources to the benefit of political parties.

2.3 Clause 3 of the Bill deals with the recognition of kingships or queenships, traditional communities and headmenship or headwomenship, while clause 4 deals with the withdrawal of such recognition.

(a) A number of traditional communities which are recognised as such and are grouped together may be recognised as a kingship or queenship if they meet certain criteria. Such communities must have recognised traditional councils, senior traditional leaders and they must recognise a king or a queen in terms of customary law and customs. They must also have a system of traditional leadership at a kingship or queenship level. An application for the recognition of a kingship or queenship must be submitted to the President who may recognise such kingship or queenship after consultation with the Minister responsible for traditional and Khoi-San matters. The President may have an investigation conducted to determine whether the relevant traditional communities comply with the criteria for recognition as a kingship or queenship and may also direct the Minister to conduct certain consultations in this regard. The provisions of this clause are more consultative and inclusive

in nature than those in the previous legislation that were repealed by the 2019-Act. This will ensure that the President makes an informed decision and is not dependent only on the recommendation of the Minister as was previously the case.

(b) In terms of clause 4 of the Bill the President may withdraw the recognition of a kingship or queenship. This may be considered where the majority of traditional communities under the jurisdiction of a kingship or queenship request the President to withdraw such recognition. Such a request must be accompanied by the grounds on which it is based. Clause 4 also contains provisions relating to investigations and consultations in respect of requests for the withdrawal of the recognition of a kingship or queenship, similar to those provided for in respect of the recognition of a kingship or queenship.

(c) In the case of the recognition of a community as a traditional community, the community must have a system of traditional leadership at a senior traditional leadership level and may have a number of headmenship or headwomenship. The community must also occupy a specific geographical area. The recognition is done by the relevant Premier after consultation with the relevant provincial house.

(d) In terms of clause 4 a Premier may consider the withdrawal of the recognition of a traditional community on request of such a community, on request of the relevant kingship or queenship or principal traditional council, or where two or more recognised communities request the Premier to merge them into a single traditional community.

(e) A headmanship or headwomanship may be recognised as such if it, amongst others, has a system of traditional leadership at a headmanship or headwomanship level and if it will contribute to the more effective and efficient administration of the relevant traditional council. This is a new provision that was introduced by the 2019-Act as the previous legislation did not make provision for the recognition of a headmanship or headwomanship. The Bill, through clause 3, addresses this oversight and provides for the recognition criteria of a headmanship or headwomanship. A portion of a traditional community that is of the view that it meets the criteria for recognition as a headmanship or headwomanship may request the relevant traditional council to apply to the Premier concerned for such recognition.

(f) In terms of clause 4 the withdrawal of the recognition of a headmanship or headwomanship may only be considered where the relevant traditional council requests the Premier concerned to withdraw such recognition. The Bill makes provision for the Premier to cause an investigation to be conducted in order to establish whether there is sufficient cause for the withdrawal of the recognition of a headmanship or headwomanship.

(g) It should be noted that all the provisions in the Bill relating to the recognition of communities and leadership positions or the withdrawal of such recognitions, seek to ensure that the relevant criteria are as far as possible aligned in respect of the different communities or leadership positions. The various provisions in respect of investigations and specific types of consultations furthermore seek to ensure that informed decisions are taken.

2.4 As mentioned under paragraph 2.1, the definitions of ''principal traditional community'' and ''principal traditional leader'' in clause 1 of the Bill provide clarity on which communities and leaders are or are to become principal traditional communities or leaders. It is therefore also important that the Bill makes provision for the withdrawal of the recognition of a principal traditional community. Clause 4 of the Bill contains the relevant provisions. The withdrawal of the recognition of a principal traditional community may be considered by the relevant Premier where the majority of traditional communities under the jurisdiction of the principal traditional community request such a withdrawal and provide the Premier with the grounds on which the request is based. Provision is also made for an investigation and consultations.

2.5 Clause 5 of the Bill makes provision for the recognition of Khoi-San communities and branches (please also see clauses 56 and 58 of the Bill). As mentioned earlier, this is the first time that statutory provision is made for the

Khoi-San and therefore this provision and others in the Bill relating to the Khoi-San are all new. A community may apply to the relevant Premier to be recognised as a Khoi-San community if it meets certain criteria. The community must have a history of self-identification by members of the community as belonging to a unique community distinct from all other communities. It must observe distinctive established Khoi-San customary law and customs and has to be subject to a system of hereditary or elected Khoi-San leadership. Furthermore, the community must have existing distinctive cultural heritage manifestations and a proven history of existence of the community from a particular point in time up to the present. The relevant community must also occupy a specific geographical area or various geographical areas together with other non-community members. These criteria differ slightly from the criteria for traditional communities mainly due to the unique circumstances and history of the Khoi-San. However, the criteria are necessary to ensure that only legitimate Khoi-San communities in terms of customary law and customs are considered for recognition.

2.6 A Premier may have an investigation conducted to determine whether a community does indeed comply with the criteria for recognition and must also consult the relevant provincial house. Furthermore, since the members of Khoi-San communities may be residing in various geographical areas, an application for recognition of such community must be accompanied by a list of the community members.

2.7 It is also important to note that all initial applications for the recognition of Khoi-San communities must be referred to the Commission on Khoi-San Matters to be established under clause 51 of the Bill. These initial applications will be dealt with in accordance with the provisions of clauses 56 and 58.

2.8 The Bill also makes provision for the recognition of Khoi-San branches. Certain Khoi-San communities do not occupy a single definable geographical area but a number of geographical areas that may be situated in more than one province. Many of these communities have a ‘‘main community’’ where the leader of that community resides and one or more smaller communities that recognise such leader but which are situated in other geographical areas. These smaller communities are known as branches and provision is made for their recognition. A branch must comply with certain criteria, one of which is that it should consist of at least 10% of the total number of community members.

2.9 In cases where a branch is situated in a province other than the province where the Khoi-San council is situated, the Premier of the province where the council is situated has to request the Premier of the province where the branch is situated to recognise that branch. Clause 6 of the Bill makes provision for the withdrawal of the recognition of a Khoi-San community or branch where the council requests such a withdrawal or where the Khoi-San councils of two or more communities request the Premier to merge such communities into a single Khoi-San community.

2.10 The following traditional leadership positions are provided for in clause 7(1) of the Bill: king or queen, principal traditional leader, senior traditional leader, headman or headwoman. This clause also makes provision for the following Khoi-San leadership positions: senior Khoi-San leader and branch head. Clause 7(2) contains the generic criteria that apply in respect of all leadership positions. An application for the recognition of the position of a king or a queen must be submitted to the President, while applications for the recognition of all other leadership positions must be submitted to the relevant Premier. Provision is also made for investigations to be conducted in cases where there is evidence or allegations that a leadership position does not comply with the criteria contained in clause 7(2).

2.11 Clause 7(7) furthermore deals with instances where a senior traditional leader is recognised as a king or a queen, while clause 7(8) makes provision for a recognised traditional leader to resign and the consequences of such resignation. Clause 7(9) states that it will be an offence for any person to pretend to be a recognised traditional or Khoi-San leader if it is not the case.

2.12 Clause 8 of the Bill makes provision for the recognition of kings or queens, principal traditional leaders, senior traditional leaders and headmen or headwomen. Clause 9 makes provision for the withdrawal of such recognition.

(a) When the position of a king or queen has to be filled, the royal family must identify a person who qualifies in terms of customary law to assume the position of a king or a queen and then apply to the President for the recognition of the person so identified as a king or a queen. The application must be accompanied by the particulars of the identified person and the reasons for the identification. The President may recognise the person as a king or a queen after consultation with the Minister and the relevant Premier. If there is an allegation that the identification of the person was not done in terms of customary law and customs, the President may cause an investigation to be conducted by an investigative committee which must include at least one member of the National House of Traditional and Khoi-San Leaders (hereinafter referred to as the National House) in order to establish whether the identification was done in accordance with customary law and customs or not. If the investigative committee's report indicates that the identification was not done in accordance with customary law and customs, such report must be referred to the royal family for its comments.

(b) In terms of clause 9 of the Bill the recognition of a king or a queen must be withdrawn by the President if the person has been convicted of an offence with a sentence of imprisonment for more than 12 months without the option of a fine, if the person suffers from a physical incapacity or mental infirmity which makes it impossible for him or her to function as a king or queen and if the person no longer permanently resides within the area of the kingship or queenship council. The recognition may also be withdrawn if the person has been removed from office in terms of the code of conduct or has transgressed customary law or customs on a ground that warrants such withdrawal. The royal family may recommend the withdrawal of the recognition of a king or a queen and must provide reasons to the President. However, if there is evidence or an allegation that the recommendation of the royal family is not based on the grounds provided for in clause 9, the President may cause an investigation to be conducted by an investigative committee which again must include at least one member of the National House. The final decision is therefore vested in the President and not in the royal family. Where the recognition of a king or queen is withdrawn, a successor may be identified in accordance with the provisions of clause 8.

(c) In the case of the recognition of a successor to the position of principal traditional leader the process to be followed is the same as the process for the recognition of a king or a queen as discussed under paragraph *(a)* above. The only difference is that the relevant authority is not the President but the Premier of the province concerned, while in the case of investigations the Premier must include a member of the provincial house of traditional and Khoi-San leaders on the investigative committee. Also take note of clause 63(8)*(c)* of the Bill.

(d) Clause 9 of the Bill makes provision for the withdrawal of the recognition of principal traditional leaders based on the same grounds and process as discussed under paragraph *(b)* above.

(e) In terms of clause 8 of the Bill, a royal family must, in the case of hereditary succession, identify a person who qualifies in terms of customary law or customs to assume the position of a senior traditional leader, headman or headwoman. If hereditary succession is not applicable, the person to assume the position of a headman or headwoman must be identified or elected by the relevant community. The royal family, in the case of hereditary succession, or the traditional council, in the case of an identified or elected headman or headwoman, must apply to the Premier concerned for the recognition of such person. If there is evidence or an allegation that the identification or election of the relevant person was not done in terms of customary law and customs, the Premier may have an investigation conducted by an investigative committee. At least one member of the relevant provincial house must be part of such an investigative committee. Where necessary, the report of the investigative committee must be referred to the relevant royal family or

traditional council for its comments.

(f) Clause 9 makes provision for the withdrawal of the recognition of a senior traditional leader, headman or headwoman on the same grounds as those mentioned earlier in respect of other leadership positions.

2.13 The recognition of senior Khoi-San leaders and branch heads is dealt with by clause 10 of the Bill. When such positions are to be filled the royal family, in the case of hereditary succession, must identify a senior Khoi-San leader as the hereditary successor, with due regard to applicable customary law and customs. In the case of succession by election, the relevant Khoi-San council must elect a senior Khoi-San leader or branch head to assume the position in question. Elections must be conducted in terms of rules and procedures adopted by the Khoi-San council concerned. The royal family or Khoi-San council, as the case may be, must apply to the Premier concerned for the recognition of the person so identified or elected. The Premier must recognise the person by notice in the Provincial *Gazette* and must issue a certificate of recognition to such person. If there is evidence or an allegation that the identification or election of a person was not done in accordance with such rules and procedures or such customary law or customs, the Premier may cause an investigation to be conducted by an investigative committee. At least one Khoi-San member of the relevant provincial house must be part of such an investigative committee. Where necessary, the committee's report must be referred to the royal family or Khoi-San council, as the case may be, for comments.

2.14 The provisions relating to the withdrawal of the recognition of a Khoi-San leader or branch head, as contained in clause 11 of the Bill, are in line with similar provisions in respect of the withdrawal of the recognition of other leadership positions as already discussed. Where such a withdrawal has been done, a successor must be identified or elected, as the case may be, in accordance with the provisions of clause 10.

2.15 In cases where the hereditary successor to the position of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader is a minor, a regent may be identified by the royal family to assume leadership on behalf of the minor. This is provided for in clause 12 of the Bill. If the relevant royal family fails to identify a regent, the Premier concerned may do so after consultation with the royal family. Provision is made for the position of a regent to be reviewed at least every two years. Provision is also made for investigations in instances where there is evidence or an allegation that the identification of a regent was not done in accordance with customary law or customs. As soon as the successor to the relevant position ceases to be a minor, the regent must relinquish the position and the rightful successor must be recognised appropriately. The circumstances for the recognition of a regent are therefore uniform and apply to all hereditary traditional and Khoi-San leaders.

2.16 Clause 13 of the Bill makes provision for acting traditional and Khoi-San leaders. This is necessary where a successor to the hereditary position of a king, queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader has not yet been identified by the royal family or a person has not yet been elected to the position of senior Khoi-San leader or branch head. It is also necessary in cases where the identification of a successor is subject to an investigation or where the particular leader will be absent from his or her area of jurisdiction for more than three months for the treatment of an illness, study purposes or any other lawful purpose.

2.17 In terms of clause 14 of the Bill, a senior traditional leader, headman or headwoman who occupies a hereditary position, may with the concurrence of the royal family, identify a deputy to act in his or her stead whenever the particular leader becomes a full-time member of a municipal council, is elected as a member of the National Assembly or a provincial legislature, is

appointed as a permanent delegate of the National Council of Provinces, is elected or appointed in a full-time position in any house of traditional and Khoi-San leaders, or is employed on a full-time basis. The same principles apply in respect of hereditary senior Khoi-San leaders. The recognition of any such deputy traditional or Khoi-San leader is to be done by the relevant Premier who must issue a certificate of recognition to such deputy.

2.18 Clause 15 of the Bill determines that a traditional or Khoi-San leader may perform the functions provided for in terms of customary law and customs or relevant national or provincial legislation.

2.19 Once a kingship or queenship, principal traditional community or traditional community has been recognised, such community must establish an appropriate council.

(a) In the case of the recognition of a kingship or queenship by the President, that kingship or queenship must within two years of such recognition establish a kingship or queenship council. This provision is contained in clause 16 of the Bill. A kingship or queenship council consists of the number of members determined by the Minister by formula published in the Government *Gazette*, after consultation with the king or queen, a forum of not more than five members of the royal family and a forum of not more than 20 senior traditional leaders under the kingship or queenship. It is therefore a very inclusive consultation process. At least a third of the members of such council must be women, although the Minister may determine a lower threshold if this requirement cannot be met. The membership of a kingship or queenship council comprises 60% of traditional leaders including the king or queen who is an *ex officio* member and chairperson of the council. These traditional leaders must be members of the traditional community and must be selected by the king or queen in terms of that community's customs. The king or queen must do so with the concurrence of a forum of not more than five members of the royal family. The decision is therefore not left to the sole discretion of the king or queen, but involves the royal family. The other 40% members are to be elected. For this purpose each traditional council falling within the area of jurisdiction of the kingship or queenship must elect one person from the elected members of such council. Should the number of persons so elected be more than the required number, the persons so elected must elect from amongst themselves the number of persons needed. The term of office of a kingship or queenship council must be aligned with that of the National House. Clause 16 also determines under which circumstances a member of a kingship or queenship council must vacate his or her office, which includes removal from office in terms of the code of conduct provided for in the Bill. It should be noted that the formula for determining the number of members of a kingship or queenship council and a principal traditional council was issued in terms of the 2019-Act under Government Notice No. 3433 as published in Government *Gazette* No. 48630 of 19 May 2023.

(b) As far as the establishment of a principal traditional council is concerned, the same principles apply as discussed under paragraph *(a)* above. In this case, the Minister must consult the principal traditional leader and a forum of not more than five members of the royal family and a forum of not more than 20 senior traditional leaders under the principal traditional community, before publishing the formula for the composition of a principal traditional council.

(c) Clause 16 of the Bill also deals with the establishment of traditional councils. Once a traditional community has been recognised, such community must within two years of such recognition establish a traditional council. To ensure uniformity in the composition of these councils, the number of members is to be determined by the Minister by formula published in the Government *Gazette*. Traditional councils must comprise of 60% traditional leaders and members of the traditional community selected by the senior traditional leader concerned with the concurrence of a forum of not more than five members of the royal family, as well as 40% members elected by the traditional community. The principles on which these provisions are based are therefore also in line with those applicable to other councils as discussed above and seek

to ensure that the selection is not left to the discretion of a single person, but that a more inclusive process is followed. The formula for determining the number of members of traditional councils was issued in terms of the 2019-Act under Government Notice No. 1726 as published in Government *Gazette* No. 45859 of 4 February 2022.

(d) Clause 16 determines that when the recognition of a kingship or queenship, principal traditional community or traditional community is withdrawn in terms of clause 4, such withdrawal will automatically result in the disestablishment of the councils referred to above as well as the withdrawal of recognition of the particular leader.

2.20 Where a traditional community occupies two or more non-contiguous geographical areas within a province, the traditional council may, in terms of clause 17 of the Bill, request the Premier to establish a traditional sub-council for the area which is located outside the area where the seat of the traditional community is located. One of the considerations to be taken into account is whether the establishment of such a sub-council will improve the effective administration of the traditional community. A sub-council consists of the number of members as determined by the Premier after consultation with the main traditional council. A Premier may withdraw the recognition of a traditional sub-council if it no longer contributes to the effective administration of the traditional community.

2.21 Clause 18 of the Bill makes provision for the establishment of Khoi-San councils. A Khoi-San community must within two years of being recognised establish a Khoi-San council. A Khoi-San council shall consist of the number of members determined by the Minister by formula published in the Government *Gazette*. The composition of a Khoi-San council is based on the same principles as traditional councils. However, in respect of the 60% component of the Khoi-San council, branch heads may also be part of the council if there are branch heads. If there are no branches, the senior Khoi-San leader must select the number of members from the members of the main community and also, where applicable, from the members of the royal family. This must be done with the concurrence of a forum of not less than five and not more than ten members designated by the royal family.

2.22 Clause 19 of the Bill makes provision for the functions of kingship or queenship councils and principal traditional councils. These councils have to administer the affairs of the kingship or queenship or principal traditional community and guide the relevant traditional leaders in the performance of their functions. They furthermore have to assist the king or queen or principal traditional leader in the performance of their customary functions in relation to the recognition of senior traditional leaders and in mediating disputes between senior traditional leaders. The councils also have to promote unity between traditional communities. The councils must keep proper records and their financial statements must be audited. The councils (and thus the members) must adhere to the code of conduct provided for in this Bill.

2.23 The functions of traditional councils, traditional sub-councils, Khoi-San councils and branches, as contained in clause 20 of the Bill, are similar to those contained in clause 19 as discussed above, but also include additional functions relating to interaction with the national, provincial and local spheres of government. These councils may recommend appropriate interventions that will contribute to development and service delivery within their communities. They may also participate in the development of policies and legislation at a municipal level, as well as in development programmes. All of these councils must keep proper records and their financial statements must be audited. The councils must at least once a year meet with their respective communities to give account of its activities and finances.

2.24 In terms of clause 21 of the Bill, the election of members of councils may be conducted by the Electoral Commission, by means of a community meeting or by means of a body consisting of one or more persons appointed by the relevant Premier. This clause seeks to ensure that the election of members is

done in an effective manner. A Premier may make regulations in respect of such elections and the filling of vacancies.

2.25 Clauses 22, 23 and 24 of the Bill make provision for the administration of councils, support to such councils, partnerships and agreements. The Premiers must monitor councils so as to ensure the efficient and effective performance of their statutory, financial and customary obligations. If a Premier is of the view that a council cannot or does not fulfil its statutory, financial or customary obligations, the Premier must request the council to provide him or her with information relating to its performance of the relevant obligation or designate a person to investigate the matter. Subsequently the Premier, if he or she is satisfied that the council cannot or does not fulfil its statutory, financial or customary obligations, may intervene by appointing a suitable person to assist the council or to assume responsibility for its statutory, financial or customary obligations. Such appointments must be reviewed after a period of 180 days.

2.26 As far as partnerships and agreements are concerned, clause 24 determines with who a council may enter into a partnership or agreement. It also contains specific requirements and makes provision for monitoring by the provinces. A council may only enter into a partnership or agreement if the relevant community has been consulted and the majority of community members present at such consultation has taken a decision in support of the partnership or agreement. All partnerships and agreements must be beneficial to the relevant community.

2.27 Clause 25 of the Bill makes provision for the allocation of roles to councils and traditional and Khoi-San leaders. Any department within the national or provincial sphere of government may through legislative or other measures and in respect of any functional area of such department, provide a role for kingship or queenship councils, principal traditional councils, traditional councils, Khoi-San councils, traditional sub-councils or traditional and Khoi-San leaders. Such departments may determine the process and procedure to be followed for the provision of such roles, as well as the extent of or conditions attached to any such provision. The relevant department must monitor the execution of any such role to ensure it is consistent with the Constitution and that it is executed efficiently and effectively. However, such a role may not include any decision-making power.

2.28 Clause 26 of the Bill refers to the different houses of traditional and Khoi-San leaders namely a National House, provincial houses and local houses.

2.29 The National House is established by clause 27 of the Bill for a term of five years. In terms of clause 28, the National House consists of senior traditional leaders and senior Khoi-San leaders, to be elected by the provincial houses. In instances where there are only recognised senior traditional leaders or only recognised senior Khoi-San leaders in a province, three leaders must be elected to be members of the National House. In instances where there are both senior traditional and senior Khoi-San leaders, four leaders must be elected as members of the National House. Specific provision is made for instances where there are no provincial houses. At least a third of the members of the National House must be women although a lower threshold may be determined if it is not possible to reach this target.

2.30 It should be noted that while the terms of the National House, provincial houses and local houses should be aligned, a precise alignment has been found to be impractical. For example, before the National House can be constituted, the provincial houses have to be constituted to enable them to elect the representatives to the National House. The Bill therefore determines that all the houses will have terms of five years however such terms are to end on specific dates in 2027 which dates are one month apart. This will allow sufficient time for the provincial houses to be constituted before the National House and for local houses to be constituted before the provincial houses. From 2027 onwards, the terms of the respective houses will therefore continue

to end one month apart. The same principle applies to the term of kingship or queenship councils, principal traditional councils, traditional councils and Khoi-San councils [please see clauses 16(4)*(a)*, 18(5), 49(2)*(b)* and 50(8)].

2.31 The provisions relating to the election of members of the National House by provincial houses are contained in clause 29 of the Bill. Should a provincial house fail to elect members to serve in the National House, the relevant Premier will have the authority to designate the required number of members from amongst the members of the provincial house. Clause 30 determines the circumstances under which a person will not be eligible to serve as a member of the National House.

2.32 Clause 31 of the Bill sets out the circumstances under which the seat of a member of the National House will become vacant, while clause 32 determines how a vacancy must be filled. In terms of clause 33 the administrative seat of the National House is at the same place where the national Department of Traditional Affairs (DTA) is located, but meetings of the National House may take place where the administrative seat is or at the seat of Parliament.

2.33 The National House must elect one of its members as chairperson and another member as deputy chairperson in accordance with the provisions of clause 34 of the Bill. In cases where both the chairperson and deputy chairperson are absent, the National House may designate another member to act as chairperson and this must be done in accordance with the rules and orders of the House. The chairperson and deputy chairperson shall be full-time members of the National House and the Minister may also determine that certain other members be full-time members. This is provided for in clause 35.

2.34 The duties of the National House are contained in clause 36 of the Bill. It is clear from this clause that cooperation between the National House and provincial houses is essential for their proper functioning and there is also an emphasis on service delivery and the promotion of constitutional principles. The National House will be required to consider certain Bills referred to it by the Secretary of Parliament. The National House must be supported by a Secretary to be appointed in accordance with the provisions of clause 37 and other officers of the Department who are to be seconded to the House.

2.35 In terms of clause 38 of the Bill, the National House must prepare a strategic plan for a period of five years and annual performance plans. These plans must be submitted to the Minister for approval and the strategic plan must also be tabled in Parliament. The National House will have to submit quarterly reports on their performance to the Minister. These provisions will enhance the monitoring of the performance of the House and will furthermore ensure greater accountability of the House. It is further expected of the National House to enforce the code of conduct provided for in the Bill.

2.36 Clause 39 of the Bill determines that any Parliamentary Bill pertaining to customary law or customs of traditional and Khoi-San communities must be referred to the National House for its comments. In the case of Bills dealing with a matter referred to in section 154(2) of the Constitution, therefore legislation that affects the status, institutions, powers or functions of local government, Parliament has a discretion to refer it to the National House for comments. The National House must provide the Secretary to Parliament with its comments within 60 days from the date of such referral. If the National House has no comments on a Bill, they must inform the Secretary to Parliament accordingly.

2.37 In terms of clause 40 of the Bill, the National House may meet with recognised kings, queens and principal traditional leaders to discuss the activities and programmes of the House and matters of interest to the kings, queens and principal traditional leaders. The National House may also meet with a provincial house as determined by clause 41. The National House is allowed to interact with a local house or a traditional or Khoi-San council provided it is done in consultation with the relevant provincial house. To

strengthen the interaction with provincial houses, the chairperson of the National House must establish a body of chairpersons of provincial houses to regularly interact with the National House on matters of mutual interest. The Secretary of the National House must also establish a body of Secretaries of provincial houses.

2.38 Clause 42 of the Bill deals with the provision of administrative and financial support to the National House. The House is required to submit annual estimates of expenditure for the next financial year to enable the Department to budget for the estimated expenditure of the House, taking into consideration the overall allocation of the Department.

2.39 In terms of clause 43 of the Bill, the National House must annually prepare an annual report for the preceding financial year. This report must be approved by the Minister and tabled in Parliament. To ensure more certainty as to the contents of such a report, the clause sets out the minimum information and issues to be contained or addressed in the report.

2.40 Clause 44 of the Bill determines that the National House has the privileges and immunities as may be prescribed. Clause 45 determines that members of the National House will receive the remuneration and benefits as may be determined in accordance with the provisions of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).

2.41 Clause 46 of the Bill empowers the National House to make rules and orders relating to the conduct of its business and proceedings. This includes rules and orders regulating the establishment, constitution, powers and functions, procedures and lifespan of committees of the National House. The National House may also make rules and orders in respect of the attendance of meetings by non-members as well as the status of such persons at any such meeting.

2.42 In terms of clause 47 of the Bill, the National House must be dissolved on the expiry of its term of office or after a vote supported by a majority of the members. It should however be noted that the Minister may summon the National House to an extraordinary meeting to attend to any urgent business, notwithstanding the dissolution of the House.

2.43 Clause 48 of the Bill determines that all members of the National House must take an oath or solemn affirmation as set out in Schedule 2 to the Bill.

2.44 Section 212(2)*(a)* of the Constitution determines that national or provincial legislation may provide for the establishment of houses of traditional leaders. Provincial houses are currently established in accordance with provincial legislation. Clause 49 of the Bill extends the composition of provincial houses to include both traditional and Khoi-San leaders in substantially the same proportion as they are represented in local houses. With reference to paragraph 2.30 above, clause 49(2)(*b*) determines that the term of a provincial house that was established and constituted prior to the enactment of this Bill, will expire on 31 May 2027.

2.45 Clause 50 of the Bill authorises a Premier to establish a local house of traditional and Khoi-San leaders for the area of a local, district or metropolitan municipality where there are one or more traditional or Khoi-San councils. A local house must consist of not less than five members of which at least one member must be a senior traditional leader or a senior Khoi-San leader. All senior traditional leaders and senior Khoi-San leaders who reside within the area of jurisdiction of a local, district or metropolitan municipality are members of the local house established for the specific area. For the purposes of the composition of local houses, there is no one-size-fits-all model. Clause 50(4) therefore makes provision in detail for all the different permutations that may be applicable when establishing such houses, thus based on the unique circumstances of each local, district or metropolitan municipal area. A local house must meet at least four times per year.

2.46 The term of a local house is five years. With reference to paragraph 2.30 above, clause 50(8) determines that the term of a local house that was established and constituted prior to the enactment of this Bill will expire on 30 April 2027.

2.47 Clause 51 of the Bill makes provision for the establishment of a Commission on Khoi-San Matters. The Commission will consist of not more than seven persons and will exist for a period of five years. In terms of clause 52 these persons must have qualifications or experience in or knowledge of anthropology, law, the history of the Khoi-San or the customs and customary law of the Khoi-San. To ensure public participation in the appointment of such members, clause 52 determines that the Minister must invite nominations from the general public. The Minister may also appoint a selection panel to assist him or her with the identification of the most suitable candidates to be appointed as members of the Commission. Clause 52 also contains provisions relating to the removal of a member of the Commission, while clause 53 determines when vacancies will occur. In terms of clause 54, the conditions of appointment of members of the Commission must be determined by the Minister after consultation with the Minister of Finance. Clause 55 determines that the national DTA must provide administrative and financial support to the Commission. In accordance with similar provisions in the 2019-Act, a Commission on Khoi-San Matters was established with effect from 1 September 2021 for a term of five years, thus ending on 31 August 2026 (see General Notice No. 500 as published in Government *Gazette* No. 45044 of 25 August 2021).

2.48 In terms of clause 56 of the Bill any community that believes that it complies with the criteria for recognition as a Khoi-San community or branch, as provided for in the Bill, may lodge an application with the Commission. Applications must be submitted within two years from a date to be determined by notice in the Government *Gazette* in terms of clause 57(2)*(a)*. This period may be extended. In terms of the 2019-Act, the opening date for the submission of applications was determined as 30 March 2022 (see Government Notice No. 1369 as published in Government *Gazette* No. 45690 of 24 December 2021).

2.49 The functions of the Commission are set out in clause 57 of the Bill. In brief, the Commission has the authority to investigate and make recommendations on the recognition of Khoi-San communities, hereditary senior Khoi-San leaders and elected senior Khoi-San leaders. The recommendations of the Commission must, in terms of clause 58, be submitted to the relevant Premier for comments and thereafter to the Minister who has the authority to officially recognise the Khoi-San communities or leaders.

2.50 Clause 59 makes provision for a dispute resolution mechanism and must be applied in instances where provincial legislation does not make provision for such a mechanism.

2.51 Clause 60 of the Bill authorises the Minister to make regulations. In the case of regulations concerning the roles and functions of a king, queen or principal traditional leader, the Minister must consult the relevant Premiers, MECs responsible for traditional and Khoi-San leadership matters, the National House and relevant provincial houses. All draft regulations must be published in the Government *Gazette* for public comment. Regulations must be tabled in Parliament for noting.

2.52 In terms of clause 61 of the Bill, a Premier may delegate any power or duty conferred on him or her by this Bill to the member of the Executive Council responsible for traditional and Khoi-San affairs in the particular province, excluding the power to recognise a community or leader or to withdraw such recognition.

2.53 Clause 62 of the Bill requires of the national DTA to monitor the implementation of the Bill, any regulations made in terms of the Bill and the implementation of section 81 of the Local Government: Municipal Structures Act, 1998, as it is to be amended by this Bill.

2.54 Clause 63 of the Bill contains transitional provisions.

(a) Provision is made for the continued recognition of all traditional leaders, regents, acting traditional leaders or deputy traditional leaders. However, in the case of headmen and headwomen, clause 63(1)*(c)* requires of Premiers to conduct investigations within three years from the commencement of this Bill to determine whether headmenships and headwomenships as well as recognised headmen and headwomen do in fact meet the criteria for recognition. This is necessitated by the increase in the number of recognised headmen and headwomen in recent years which could be attributed to an apparent ambiguity in the Framework Act. The fact is that the Framework Act did not provide for the establishment of a headmanship or headwomanship and therefore there is legal uncertainty in respect of certain ''recognitions'' that took place since the commencement of the Framework Act in 2004. Clause 63(1)*(c)* of the Bill also determines what the consequences will be of cases where it is found that a headman or headwoman does not meet the said requirements.

(b) As far as tribal authorities are concerned, clause 63(4) determines that such authorities must be reconstituted in terms of the relevant provisions of this Bill in accordance with the requirements of the Bill. This must be done within two years from the date of commencement of the Bill or the date of issuing the formula for the determination of the number of members of a traditional council, whichever is the later date. If the timeframe of two years is not met, the Minister may apply the provisions of clause 16(2) to ensure that such authorities are reconstituted.

(c) Provision is also made for a paramount chief, regent or acting paramount chief, that does not qualify to be recognised as a king or queen, to be deemed to be recognised as a king or queen or regent or acting king or queen. However, provision is also made that the recognition of a deemed kingship or queenship and a deemed king or queen lapses if, on the date of coming into operation of the Traditional Leadership and Governance Framework Amendment Act, 2009 (1 February 2010), the position is vacant, or on the death of the permanent incumbent king or queen, or where the position of the incumbent king or queen is occupied by a regent or acting king or queen, on the death of the regent or acting incumbent or on the date of the recognition of a successor, whereafter the kingship or queenship or king or queen is deemed to be a principal traditional community and principal traditional leader.

(d) Furthermore, provision is made for—

- the terms of the National House, provincial houses and local houses to expire on 30 June 2027, 31 May 2027 and 30 April 2027 respectively. Notwithstanding the repeal of the 2019-Act by this Bill once enacted, the National House constituted in terms of that Act will continue to exist until 30 June 2027. Similar provision is made in respect of provincial and local houses; and
- the continued application of any formula determined in terms of the 2019-Act prior to the repeal of that Act by this Bill.

(e) Since the Bill introduces certain requirements for partnerships and agreements (see clause 24), it is important that existing partnerships and agreements be tested against such requirements. Therefore clause 63(22) determines that such partnerships and agreements must be reviewed by the relevant Premier within a period of three years from the date of commencement of this Bill. This will however not apply in respect of partnerships and agreements that, prior to the commencement of this Bill, has been entered into in accordance with enabling provisions contained in any other legislation.

(f) Clause 63(23) determines that if any Khoi-San community, branch, senior Khoi-San leader or branch head was recognised in terms of the 2019-Act prior to the repeal of that Act by this Bill, such recognition will be deemed to have been done in terms of the relevant provisions of this

Bill. The same applies to a Khoi-San council that was established in terms of the 2019-Act.

(g) Clause 63(24) deals with the status of work that was done by the Commission on Khoi-San Matters as established in terms of the 2019-Act. The clause also determines that applications for recognition that were lodged with the Commission but not finalised at the time of the repeal of the 2019-Act, will be deemed to have been lodged with the Commission to be established in terms of this Bill.

2.55 Clause 64 of the Bill provides for the amendment of certain legislation and must be read with Schedule 3 to the Bill. Clause 65 provides for the repeal of existing legislation such as the 2019-Act and must be read with Schedule 4 to the Bill. It includes the repeal of section 30 of the Local Government: Municipal Structures Amendment Act, 2021 (Act No. 3 of 2021). The reason for this repeal is that section 30 intends to amend an old version of section 81 of the Municipal Structures Act.

2.56 Clause 66 contains the short title of the Bill.

2.57 Schedule 1 to the Bill contains a code of conduct which is applicable to all members of the National House, provincial houses, local houses, a kingship or queenship council, a principal traditional council, a traditional council, a traditional sub-council, a Khoi-San council and a branch. The provisions of the code of conduct are standard and in line with similar codes for other bodies. It deals with the general conduct of members, attendance of meetings, disclosure of interests, personal gain, declaration of interests, unauthorised disclosure of information, as well as rewards, gifts and favours. The code of conduct also contains more detailed provisions in respect of an alleged breach of the code by members of the National House. Specific provision is made for the investigation of alleged breaches of the code of conduct to ensure that a fair process is followed and that informed decisions are taken.

2.58 Schedule 2 to the Bill contains the oath and affirmation that members of the National House, provincial houses and local houses must take.

2.59 Schedule 3 to the Bill contains proposed amendments to the Independent Commission for the Remuneration of Public Office-bearers Act, 1997, the Remuneration of Public Office Bearers Act, 1998, and the Local Government: Municipal Structures Act, 1998, as follows:

(a) Paragraph *(e)* of the definition of ''office-bearer'' in section 1 of the Independent Commission for the Remuneration of Public Office-bearers Act is to be amended to ensure that the Commission is authorised to make recommendations in respect of the salaries, allowances, benefits and enabling resources of all existing traditional leadership positions and the Khoi-San leadership positions envisaged in this Bill.

(b) The Remuneration of Public Office Bearers Act is to be amended to provide for the remuneration of senior Khoi-San leaders.

(c) Section 81 of the Local Government: Municipal Structures Act is to be amended, to provide for the participation of traditional and Khoi-San leaders in the proceedings of a municipal council. The proposed amendments make provision for—

- instances where a local house has been established for the area of jurisdiction of a local or metropolitan municipality;
- instances where a local house has been established for the area of jurisdiction of a district municipality; and
- instances where there are no local houses. In the case of the latter the traditional and Khoi-San leaders who may participate in the proceedings of municipal councils are to be nominated from amongst the members of the traditional and Khoi-San councils.

2.60 Depending on the different permutations, the number of traditional and Khoi-San leaders who will participate in the various municipal councils will be between one and three. It should also be noted that such participating leaders are not municipal councillors and may therefore not vote in municipal meetings.

2.61 Of particular importance is that the proposed new section 81 provides clarity on the roles of traditional and Khoi-San leaders who participate in municipal council proceedings.

2.62 The existing legislation which will be repealed by the Bill, are listed in Schedule 4 to the Bill.

3. FINANCIAL IMPLICATIONS

3.1 The Bill makes provision for new structures and leadership positions in respect of the Khoi-San which will have additional financial implications. It should be noted that the salaries, allowances and benefits of traditional and Khoi-San leaders are to be determined in accordance with the provisions of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) (Remuneration Act).

3.2 The following paragraphs provide more clarity with regard to the additional financial implications:

(a) Recognition of senior Khoi-San leaders (clause 10): It is not possible to predict how many Khoi-San communities and leaders will eventually be recognised in accordance with the criteria for recognition provided for in the Bill. It is therefore not possible to even estimate with any degree of accuracy, what the financial implications may be. The salary of recognised Khoi-San leaders will depend on the Remuneration Commission's recommendation and the subsequent Presidential determination.

(b) Establishment and recognition of Khoi-San councils (clause 18):

(i) The number of Khoi-San councils to be established and recognised in terms of clause 18, will depend on the number of Khoi-San communities that are recognised in terms of clause 5.

(ii) As indicated under paragraph *(a)* above, it is not possible to estimate how many Khoi-San communities will be recognised and consequently also not possible to estimate what the financial implications will be in respect of Khoi-San councils.

(iii) As far as the members of Khoi-San councils are concerned, the recognised senior Khoi-San leaders will be remunerated in accordance with a determination made in terms of the Remuneration Act. It is therefore only the other members of such councils that may receive an allowance if so determined. It is envisaged that these members will receive an allowance similar to that of non-traditional leader members of traditional councils. However, it must be noted that such a determination has not yet been made.

(c) Support to Khoi-San councils (clause 23):

(i) In terms of clause 23, the national and provincial governments may adopt such legislative or other measures as may be necessary to support and strengthen the capacity of Khoi-San councils to fulfill their functions.

(ii) Currently provincial governments provide support to traditional councils by way of infrastructure (offices and meeting facilities), staff, transport and other tools of trade. It is envisaged that provincial governments will have to provide equivalent support to Khoi-San councils.

(d) Commission on Khoi-San Matters (clauses 51 and 52): The DTA will have to budget for the establishment of the Commission on Khoi-San Matters as envisaged by Chapter 4 of the Bill. This will include the remuneration of the members, office accommodation, provision of the necessary office equipment and other conditions of employment such as travel and accommodation privileges. It should be noted that the DTA has already made provision in its budget allocation for the Commission that was established in terms of the 2019-Act.

(e) Composition of provincial houses of traditional and Khoi-San leaders (clause 49):

(i) Clause 49 determines that if a provincial house is to be established, it must be established in terms of provincial legislation. Such legislation must provide for the membership of both traditional and Khoi-San leaders. The relevant existing provincial legislation will therefore have to be revised to ensure alignment with the provisions of this Bill once enacted.

(ii) If the provincial legislation makes provision for more members than is currently the case, it may have additional financial implications for the provincial governments. However, there will be no additional remuneration implications as the persons who will serve as members of provincial houses will already receive salaries on account of being recognised leaders.

(f) Local houses of traditional and Khoi-San leaders (clause 50): The current legislative dispensation provides for the establishment of local houses within district and metropolitan municipalities. This position is retained in the Bill, but the option is added to establish such houses for the areas of jurisdiction of local municipalities. It should be noted that it is not compulsory to establish local houses and that such houses can only be established in municipal areas where there are one or more recognised traditional or Khoi-San councils. In other words, a local house cannot be established for a municipal area where there are no traditional or Khoi-San councils. As the membership of local houses in the main, will consist of recognised leaders who are already remunerated, it is envisaged that the additional financial implications will be limited to sitting allowances if such allowances are determined in accordance with the remuneration laws.

(g) For the purposes of the constitution of councils (such as traditional councils), the election part thereof will have financial implications, largely depending on which method is used for such elections as provided for in clause 21 of the Bill. The number of councils also differ from province to province and therefore the financial implications will differ between provinces.

4. DEPARTMENTS/BODIES/PERSONS CONSULTED

4.1 It should be noted that there are no material differences between this Bill and the 2019-Act as far as principles are concerned. Also, the Constitutional Court judgement referred to in paragraphs 1.5 to 1.7 was based on the public participation processes conducted by Parliament and not those by the DTA. The DTA has consulted extensively on the 2015-Bill referred to in paragraph 1.4 above before it was tabled in Parliament and the following paragraphs provide an overview of such consultations.

4.2 On 27 June 2011, the DTA referred the National Traditional Affairs Bill (as it was known at the time) to the following national departments for comment:

- Agriculture, Forestry and Fisheries
- Arts and Culture
- Communications
- Cooperative Governance
- Correctional Services
- Basic Education
- Defence
- Economic Affairs

- Energy
- Environmental Affairs
- Health
- Home Affairs
- Human Settlements
- International Relations and Cooperation
- Justice and Constitutional Development
- Labour
- Mineral Resources
- National Treasury
- Presidency
- Public Works
- Rural Development and Land Reform
- South African Police Services (SAPS)
- Science and Technology
- Social Development
- Sport and Recreation
- Tourism
- Trade and Industry
- Transport
- Women, Children and People with Disabilities.

4.3 On 15 July 2011, the Bill was referred to all nine provincial governments.

4.4 On 27 June 2011, the Bill was also referred to the following institutions:

- Commission on Gender Equality
- Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
- Demarcation Board
- ESKOM
- Human Rights Commission
- Human Science Research Council
- Independent Electoral Commission
- Ingonyama Trust Board
- Institute of People Management

- Landbank
- Pan South African Language Board
- South African Local Government Association
- STATSSA
- Telkom.

4.5 The Bill was referred to the National House of Traditional Leaders and the House received a briefing on the Bill on 24 June 2011. The chairpersons of the provincial houses were also briefed on the Bill on 24 June 2011 and the Bill was subsequently referred to all provincial houses of traditional leaders on 6 July 2011. The provincial houses received briefings on the Bill on the following dates:

- Eastern Cape Provincial House of Traditional Leaders: 25 July 2011
- Northern Cape Provincial House of Traditional Leaders: 25 July 2011
- Limpopo Provincial House of Traditional Leaders: 2 August 2011
- Mpumalanga Provincial House of Traditional Leaders: 2 September 2011
- Free State Provincial House of Traditional Leaders: 14 September 2011
- KwaZulu-Natal Provincial House of Traditional Leaders: 7 October 2011
- North West Provincial House of Traditional Leaders: 25 January 2012

Following the briefings of the National and provincial houses, the houses decided to submit a consolidated written input on the Bill to the Department. This input was considered during the analysis of all inputs and comments. On 26 April 2013, the Bill was presented to a joint meeting of the National House, Contralesa and the National Khoi-San Council. The National House furthermore received a briefing on 1 July 2013.

4.6 Two consultation teams of the DTA conducted extensive community consultation sessions on the Bill. Since this is the first time that provision is to be made in legislation for the recognition of the Khoi-San, the community consultation sessions focused on the Khoi-San. The sessions were however open for any person to attend. The following sessions were conducted in the following cities or towns on the following dates:

- 20 August 2011: Kimberley
- 22 August 2011: Calvinia and Kuboes
- 23 August 2011: Vredendal
- 24 August 2011: Vioolsdrif
- 25 August 2011: Caledon and Springbok
- 26 August 2011: Pella
- 27 August 2011: Cape Town and Kakamas
- 29 August 2011: George and Andriesvale
- 30 August 2011: Joubertina and Upington

- 31 August 2011: Willowmore and Groblershoop
- 01 September 2011: Graaff-Reinet and Griekwastad
- 02 September 2011: Fort Beaufort
- 05 September 2011: Kokstad
- 06 September 2011: Durban and Victoria-West
- 08 September 2011: Klerksdorp and Uitenhage
- 09 September 2011: Vryburg and Hankey
- 12 September 2011: Colesberg
- 13 September 2011: Bloemfontein
- 16 September 2011: Johannesburg

4.7 The Bill was discussed in detail with the National Khoi-San Council (NKC) during a meeting held from 30 June 2011 to 2 July 2011. The members of the NKC also accompanied and supported the Departmental consultation teams during the community consultations referred to in paragraph 4.6.

4.8 The Bill was also presented to officials from the provincial governments and the secretaries of the provincial houses of traditional leaders on 13 July 2011.

4.9 The Bill was presented to Contralesa on 29 July 2011 and again on 20 September 2011 (which was a joint session with the National House of Traditional Leaders).

4.10 Written inputs were received from the following departments/institutions/ persons:

- !Xum-Kumisila Kingdom
- Adrian Peters
- Amaryllis Williams
- Chief Deon Zenza
- Chief Elwin White
- Chief Margaret Coetzee-Williams
- Cobaqua Ennerdale Branch
- Colin Papier
- Commission for Gender Equality
- Congress of the First Indigenous Leaders of Southern Africa
- Damaqua Kei Korana Nation
- Dr William Langeveldt
- East Griqua Traditional Council
- First Nation Liberation Alliance (FINLA)

- Free State Griqua Council
- Gamtkwa Khoi-San Council
- Gauteng Provincial Griqua Council of the Royal House of His Majesty Adam Kok V
- Griqua National Conference of South Africa
- Griqua Royal House
- Hessekwas (R Josephs)
- Indigenous Development Foundation
- Institute for the Restoration of the Aborigines of South Africa
- Johnson Tobias
- Kabaqua Ennerdale Branch
- Kai! Korana Royal Council (Western Cape)
- KCHDC-SA
- Kei Korana-Camdeboo Municipality and Districts
- Khara Hais! KhoeSan Community Association: Upington Northern Cape
- Khoi-Bushman Kingdom National Royal Council
- Khoisan A
- Khoi-San Aboriginal Peoples of South Africa
- Khoi-San Angelin Abrahams
- Khumisoaqua Khoi-San Tribal House of Tshwane
- Kruipers of Southern Africa
- Leonard John Sayster
- Matthee S G
- National Association for the Advancement of Khoi-San People
- National House of Traditional Leaders
- National Khoi-San Council (NKC)
- Niewoudt T C
- Provincial Government: Eastern Cape: Department of Local Government and Traditional Affairs
- Provincial Government: Free State
- Provincial Government: Gauteng: Office of the Premier
- Provincial Government: KwaZulu-Natal
- Provincial Government: Limpopo: Office of the Premier

CONTINUES ON PAGE 258 OF BOOK 3

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- Provincial Government: Mpumalanga: Department of Cooperative Governance and Traditional Affairs
- Provincial Government: Western Cape: Ministry for Local Government, Environmental Affairs and Development Planning.
- Richard Plaatjies
- South African Human Rights Commission
- South African Unintegrated Forces United Front
- Southern Kalahari Bushmen Tribe
- SuidKaap Khoi Raad
- Sydney Opperman
- Taaibosch-Davids Kei Korana Royal House (inputs submitted at the community consultations held at Johannesburg, Bloemfontein, Colesberg and George)
- Toetie Dow (2 inputs)
- Uitenhage and Districts Kei-Koranna Culture and Heritage Indigenous Traditional Community
- Witbooi's Nama Khoi-Khoi Traditional House of South Africa
- Anonymous (1 input).

4.11 The Department carefully analysed all the comments made during briefing sessions as well as all written comments received. Where appropriate, the Bill was refined accordingly. The Bill was on two occasions discussed in detail with the Office of the Chief State Law Adviser.

4.12 The Bill was presented to the Governance and Administration Working Group on 18 July 2013 and to the Directors-General Governance and Administration Cluster on 1 August 2013. It was considered and recommended by the Governance and Administration Cabinet Committee on 27 August 2013. On 4 September 2013, the Cabinet approved that the Bill be published in the Government *Gazette* for public comments. The Bill was subsequently published for public comments under General Notice No 947 in Government *Gazette* No 36856 of 20 September 2013. A period of 60 calendar days was allowed for written comments which period was extended to 31 December 2013.

4.13 Following the publication of the Bill as mentioned in paragraph 4.12, the DTA—

- on 11 and 12 October 2013, briefed the NKC on all clauses relevant to the Khoi and San;
- on 1 November 2013, met with officials from all provincial governments and houses of traditional leaders, with a view to address any questions of clarity they may have on the provisions of the Bill; and
- on 4 November 2013, briefed the National House of Traditional Leaders on all clauses that are different from the consultation version of the Bill that was made available in 2011.

4.14 Following the publication of the Bill in the Government *Gazette* for public comment, written inputs were received from the following departments/ institutions/persons:

- Activist for the Liberation of RSA's Indigenous First Nation Peoples (Billy Steenkamp)
- Ada Koert
- BJ Marsala
- Christo C Frantz
- Claudine Fourie-Grosvenor
- Cobequa Community of the Transkei (Joseph Wade)
- Cochoqua Tribe (Gerome Daniels)
- Colleen Mary Fynn
- Commission for Gender Equality
- Council of Nguni Chiefs (Chief Lungelo Nokwaza)
- De Wee Dynasty (Niklasoa Cocho Ilanais Culture Heritage Development Council)
- Dr William Langeveldt
- East Griqualand Pioneer Council (Paul Pienaar)
- Foundation Nation Restoration Network (Hillary-Jane Solomons)
- Helen Suzman Foundation
- Hessequa Indigenous Traditional Council (Brain de Silva)
- Joseph Wade
- Kammanassie Booysens (Sydney Opperman)
- Khoi and Bushmen National Assembly (Ron Martin)
- Khoi-San Kingdom (Marius Roos)
- Korana First Nation SA (R Hoogstander)
- Legal Resource Centre
- Nama Gauteng (Moira Daya)
- National House of Traditional Leaders
- North West House of Traditional Leaders
- Overberg Khoi-San Cahinoukwas (Chief Daniel Louw)
- PJ Samuels
- Provincial Government: Eastern Cape
- Provincial Government: Free State (Office of the Premier)
- Provincial Government: KwaZulu-Natal
- Provincial Government: Limpopo

- Provincial Government: Mpumalanga
- Provincial Government: Western Cape
- Saarah Kellerman
- South African Local Government Association (SALGA)
- The Indigenous Royal House of Raamamidiam (Diau Ramatsebe)
- The Sabaim (Edgar Yochanan Phillips)
- Toetie Dow (3 inputs)
- UN Office of the High Commissioner for Human Rights (Samia Slimane)
- Vhavenda Kings Council (Kgosi Ramovha)
- Women's Legal Centre.

4.15 On 26 August 2015, the Cabinet approved that the 2015-Bill be tabled in Parliament.

5. CONSTITUTIONAL IMPLICATIONS

The Bill deals with matters of traditional leadership and institutions as referred to in sections 211 and 212 of the Constitution. The Bill furthermore makes provision for the official recognition of Khoi-San communities and leaders, as well as for the establishment of Khoi-San structures. Constitutional principles such as those contained in the Bill of Rights are promoted and emphasised throughout the Bill. The State Law Advisers certified the Bill as constitutionally sound.

6. COMMUNICATION IMPLICATIONS

Once the new Bill is enacted, the DTA will engage all stakeholders who will be responsible for the implementation of the new law, with a focus on the differences between the new law and the 2019-Act, the timeframes provided for in the new law and the transitional provisions, to name a few. Similar engagements will also take place with structures of traditional and Khoi-San leadership.

7. PARLIAMENTARY PROCEDURE

7.1 The State Law Advisers and the national Department of Traditional Affairs are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 76(1) or (2) of the Constitution, since it deals with ''traditional leadership'' and ''indigenous law and customary law'' which are both matters listed in Schedule 4 to the Constitution.

7.2 The State Law Advisers considered the tagging of the Bill in light of Chapter 4 of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), which provides for procedures that Bills must follow in Parliament. Section 76 of the Constitution provides for the parliamentary procedure for ordinary Bills affecting the provinces. In terms of section 76(3) a Bill must be dealt with in accordance with the procedure established by either section 76(1) or section 76(2) if it falls within a functional area listed in Schedule 4.

7.3 In **Stephen Segopotso Tongoane and Others v Minister for Agriculture and Land Affairs and Others, CCT100/9 [2010] ZACC 10** the Constitutional Court stated that:

> *''the test for determining how a Bill is to be tagged must be broader than that for determining legislative competence[1]. Whether a Bill is a section 76 Bill is determined in two ways. First by the explicit list of legislative matters in section 76(3), and second by whether the*

provisions of a Bill in substantial measure fall within a concurrent legislative competence[2]*.''*

7.4 This test compels us to consider the substance, purpose and effect of the subject matter of the proposed Bill.

7.5 This Bill deals with ''traditional leadership'' and ''indigenous and customary law'' which are matters listed in Part A of Schedule 4 to the Constitution. Part A lists functional areas of concurrent national and provincial competence. We are therefore of the view that the Bill should be dealt with in accordance with the procedure established by section 76(1) or (2) of the Constitution.

7.6 The State Law Advisers are of the opinion that it is necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)*(a)* of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) or section 39(1)*(a)* of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), whichever is applicable at the time of consideration of this Bill by Parliament, since it contains provisions pertaining to customary law or customs of traditional communities.

[1] At paragraph 70.
[2] At paragraph 72

DEPARTMENT OF TRANSPORT

NOTICE 2860 OF 2024

NOTICE 2045 OF 2023
AIR SERVICE LICENSING ACT, 1990 (ACT NO.115 OF 1990)
APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR SERVICE LICENCE

Pursuant to the provisions of section 15 (1) (b) of Act No. 115 of 1990 and Regulation 8 of the Domestic Air Regulations,1991, it is hereby notified for general information that the application detail of which appear in the appendix, will be considered by the Air Service Licensing Council. Representation in accordance with section 15 (3) of the Act No.115 of 1990 in support of, or in position, an application, should reach the Air Service Licensing Council. Private Bag X73, Halfway House, 1685 or by email to: domesticcouncil@dot.gov.za within 21 days of date of the publication thereof.

APPENDIX I (New Applications) (A)

(A) Full name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of license applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

A) Drone Visuals (Pty) Ltd. **(B)** 21 Roger De Clerck, Mkhandeni, Pietermaritzburg, Kwazulu-Natal 3212**. (C)** Class III. **(E)** Type G2, G3, G4, G5, G6, G16. **(F)** A4.

A) MalirAir (Pty) Ltd trade name as MalirAir. **(B)** 6 Orleans Road, Bayswater, Bloemfontein, 9301. **(C)** Class III. **(D)** Type G3, G4, G16. **(E)** H1.

A) Leading-Edge Flight School CC. **(B)** Hangar 1 &2, Hoedspruit Civil Airfield, Hoedspruit, Limpopo, 1380. **(C)** Class III. **E)** TypeG3, G4, G5, G10 G16. **(F)** A4.

A) Mesong (Pty) Ltd. **(B)** 14 Quartzite Street, Delmas Mpumalanga 1022. **(C)** Class III. **(D)** Type G3 & G4. **(E)** Category H1

APPENDIX II (Amendment Applications)

(A) Full Name and trade name of the applicant. (B) Full business or residential address the applicant. (C) The Class and number of license in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for. (F) Amendment referred to in section 14(2) (b) to (e).

(A) Greenfly Aviation (pty) Ltd **(B)** 7 Barlinka Way, Montague, Western Cape, 6720**. (C)** Class III **(D)** Type G3, G4, G5, G8, G10, G16 **(E)** Category A4 & H1 **(F)** Amendment of Postholders: Safety Manager: D. Rogers. Quality Manager: A. Rogers.

A) Vortx Aviation cc **(B)** 80 Forest Lane, Dunkirk Estate, Salt Rock, 4390. **(C)** Class II (D) Type N1 & N2 **(E)** Category H2 (F) Amendment of Postholders: Person Responsible Aircraft: TB Roux; Air Safety Officer: K Mare; Quality Manager: K Mare.

A) Vortx Aviation cc **(B)** 80 Forest Lane, Dunkirk Estate, Salt Rock, 4390. **(C)** Class III **(D)** Type G2, G3, G5, G10, G11 G15 **(E)** Category H2 **(F)** Amendment of Postholders: Person Responsible Aircraft: TB Roux; Air Safety Officer: K Mare; Quality Manager: K Mare.

APPENDIX II

ERRATUM: On page 89 and 91 of the Government Gazette (No. 2825), published on 08 November 2024,

Balmoral Central Contracts (Pty) Ltd amendment application was published omitting Balmoral Central Contracts **SA** (Pty)Ltd and also there was an error on the initials of the CEO, C.G Munro to C.B Munro.

DEPARTMENT OF TRANSPORT AIR SERVICE LICENSING ACT, 1990 (ACT NO.115 OF 1990) APPROVED APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR SERVICE LICENCE

Pursuant to the provision of section 16 (8) of Act No. 115 of 1990 and Regulation 9 of the Domestic Air Regulations,1991, it is hereby notified for general information that the application detail of which appear in the appendix, were considered and approved by the Air Service Licensing Council.

APPENDIX I (Approved License)

(A) The Class and number of the license which was issued. (B) Full name and trade name of the licensee. (C) Type of air service in respect of which the license was issued. (D) Category of aircraft in respect of which the license was issued.

(A) Class III. **(B)** Ross Air Sebenza (Pty) Ltd, License No: G1568D. **(C)** Type G3, G4, & G16 (UAS Operation). **(D)** Category H1

(A) Class III. **(B)** Abeod (Pty) Ltd, License No: G1430D. **(C)** Type G5 & G13. **(D)** Category A4 & H2

(A) Class III, License No: G1596D. **(B)** Gemini GIS and Environmental Services CC. **(C)** Type G3, G4, G4, G10 & G16 (RPAS). **(D)** Category H1.

(A) Class III, License No: G254D. **(B)** Westelike Provinsie Oesbespiting Maatskappy (Pty) Ltd. **(C)** Type G5& G13. **(D)** Category A3 & A4.

(A) Class III, License No: G1221D. **(B)** UAV Industries, (Pty) Ltd. **(c)** Type G3, G4 & G16 (RPAS). **(D)** Category A4, H1 & H2.

(A) Class II, License No: N1565D. **(B)** Suid Cargo Airlines (Pty) Ltd. **(C)** Type N2. **(D)** Category A1.

(A) Class II, License No: N1261D. **(B)** Safomar Aviation Operations (Pty) Ltd. **(C)** Type N1 & N2. **(D)** Category A3, A4 & H2.

(A) Class III, License No: G560D **(B)** Van Den Berg Lugbespuiting CC. **(C)** Type G5 & G8. **(D)** Category A3 & A4.

(A) Class III, License No: G1567D. **(B)** Integrated Aerial Surveillance. **(C)** Type G3, G4 &G16 (UAS Operations). **(D)** Category H1

(A) Class III, License No: G1501D. **(B)** IGlobe Group Control (Pty) Ltd. **(C)** Type G3, G4 & G16 (RPAS). **(D)** Category A4 & H1

CANCELLED LICENSES

A) Full name and trade name of the license holder. (B) Full business or residential address. (C) Class of license & license number. (D) Type of air service. (E) Category of aircraft.

(A) Comair Limited trading as British Airways-Comair. (B) Fortress Street & Whirlwind St Rhodesfield, Kempton Park, South Africa, 1619. (C) Class I (S066D). (D) Type S1 & S2. (E) Category A1 & A2.

(A) Comair Limited trading as British Airways-Comair. (B) Fortress Street & Whirlwind St, Rhodesfield, Kempton Park, South Africa, 1619. (C) Class II (N067D). (D) Type N1 & N2. (E) Category A1 & A2.

(A) Mango Airlines (Pty) Ltd trading as Mango (B) Mezzanine Level, Domestic Departure Terminal, OR Tambo International Airport, 1827. **(C)** Class II (N891D). (D) Type N1 & N2. (E) Category A1.

(A) Mango Airlines (Pty) Ltd trading as Mango **(B)** Mezzanine Level, Domestic Departure Terminal, OR Tambo International Airport, 1827. **(C)** Class I (S890D) . **(D)** Type S1 & S2**. (E)** Category A1.

DEPARTMENT OF TRANSPORT INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993) GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations,1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) representation in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001 or by email to: internatonalcouncil@dot.gov.za within 21 days of the publication hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX II (Amendment application)

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight.

A) Vort Aviation cc. **(B)** 80 Forest Lane, Dunkirk Estate, Salt Rock 4390. **(C)** Class II. **(D)** Type N1 & N2. **(E)** Category H2. **(F)** . **(G)** Various. **(H)**

A) Vort Aviation cc. **(B)** 80 Forest Lane, Dunkirk Estate, Salt Rock 4390. **(C)** Class III. **(D)** Type G2, G3, G5, G10, G11, G15. **(E)** Category H2. **(F)** . **(G)** Various. **(H)**

DEPARTMENT OF TRANSPORT

NOTICE 2861 OF 2024

NATIONAL LAND TRANSPORT ACT, 2009 (ACT No. 5 OF 2009)

SECOND NATIONAL LAND TRANSPORT REGULATIONS, 2024

The following draft regulations are hereby published for public comment in terms of section 8(2) of the National Land Transport Act, 2009 (Act No.5 of 2009). All interested persons are invited to submit comments relating to the draft regulations within 30 days from the date of publication hereof to:

Mr Muzi Simelane
Department of Transport
Private Bag X193
Pretoria
0001

E-mail simelanm@dot.gov.za
Tel: 012 309 3002
Fax: 012 323 9370

DEPARTMENT OF TRANSPORT

NATIONAL LAND TRANSPORT ACT, 2009 (ACT No. 5 OF 2009)

SECOND NATIONAL LAND TRANSPORT REGULATIONS, 2024

I, Barbara Creecy, the Minister of Transport, after consultation with the MECs hereby make the regulations in the Schedule hereto in terms of section 8 of the National Land Transport Act,2009 (Act No.5 of 2009) ("the Act")

MS B CREECY, MP
MINISTER OF TRANSPORT

SCHEDULE

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Definitions

1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, has the same meaning, and the following words and expressions have the meanings assigned to them:

"Minimum Requirements" means the Minimum Requirements for the Preparation of Integrated Transport Plans, 2016 promulgated in terms of the Act and published under Notice 881 in *Government Gazette* 40174 of 29 July 2016;

"National Land Transport Regulations, 2009" means the National Land Transport Regulations, 2009 made in terms of the Act under notice R.1208 in *Government Gazette* 32821 of 17 December 2009 as amended by notice R.366 in *Government Gazette* 33185 of 14 May 2010 and by notice 2670 in *Government Gazette* 51003 of 2 August 2024, and

"the Act" or **"this Act"** means the National Land Transport Act, 2009 (Act No. 5 of 2009).

CHAPTER 1: REGULATIONS ON CONTRACTING FOR PUBLIC TRANSPORT SERVICES

Definitions for Chapter 1

2. In this Chapter, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

"affected operator" as contemplated in section 41(2) of the Act means an operator who–

(a) holds valid operating licences or permits to provide the affected services;
(b) has been providing those services for at least 180 days prior to the date of a notice published in terms of regulation 3(2)*(b)*;
(c) in the case of a contract contemplated in section 41(1)*(a)* or *(c)* of the Act provides services on a route or routes or in the area that will be affected by the proposed negotiated contract and who picks up or sets down passengers on that route or routes in the area concerned and is not merely traversing the route or area, and
(d) in the case of a contract contemplated in section 41(1)*(b)* of the Act is an operator contemplated in paragraphs *(a)* and *(b)* and *(c)* of this definition who also is a small business operator or is a person previously disadvantaged by unfair discrimination;

"appropriate" in section 41(2) of the Act means that operators who are not affected operators must be excluded from the negotiations contemplated in section 41(2) of the Act as contemplated in section 41(2)*(a)* thereof;

"CITP" means a comprehensive integrated transport plan contemplated in the Minimum Requirements;

"cross-boundary service" means a public transport service or network of services that crosses the boundary of the area of jurisdiction of one municipality into that of another municipality or municipalities;

"DORA" means the Division of Revenue Act contemplated in section 214(1) of the Constitution for the financial year in question;

"Grant Framework" means the Grant Framework published for the financial year in question in terms of DORA, and

"IGRFA" means the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

Requirements for contracts

3. (1) Before entering into a contract in terms of section 41 or 42 of the Act the contracting authority must–

(a) in the case of a municipality, develop and finalise its integrated transport plan and obtain approval thereof as required by section 36 of the Act read with the Minimum Requirements where it has not already done so and, where relevant, update the integrated transport plan in the manner required by the Minimum Requirements, but subject to section 93(4) of the Act;
(b) ensure that the services contemplated in the proposed contract are in line with and are provided for in the relevant sections of the CITP and in particular and where relevant, the transport needs assessment, the contracted services plan the operating licences plan and the travel demand management strategy which must be included in the CITP in terms of the Minimum Requirements;
(c) in the case of a municipality required by the Minimum Requirements to prepare a CITP, ensure that the public transport plan component of the CITP encompasses and incorporates an integrated public transport network plan as required by section 8.1 of the Minimum Requirements;
(d) make provision for the incorporation of the requirements and conditions promulgated in the Grant Framework for the Public Transport Network Grant in respect of the subsidy funding for the proposed services published in terms of the relevant DORA;
(e) prepare an operational and business plan as contemplated in the Grant Framework that complies with regulation 4;

(f) conduct surveys on the route or routes or area or areas in question to compile a list, insofar as possible, of affected operators, and a list of the associations that represent those affected operators, and

(g) consult with the relevant Public Transport Integration Committee (PTIC) or Committees established in terms of the Grant Framework published under the relevant Division of Revenue Act and referred to in subsequent Grant Frameworks published under relevant DORA's, as well as the Intermodal Planning Committee established for the relevant municipality or municipalities in terms of section 15 of the Act and any relevant Land Transport Advisory Boards established in terms of section 16 of the Act.

(2) Before entering into a negotiated contract in terms of section 41 of the Act, the contracting authority must–

(a) take the steps listed in sub-regulation (1);

(b) publish a notice in one or more newspapers circulating in the area or areas where the proposed services will be provided inviting affected operators to register with the contracting authority by a date stated in the notice, and

(c) after having conducted surveys of all relevant operators operating on the relevant routes or in the relevant area or areas as contemplated in paragraph 1*(f)*, compile and keep a register of affected operators with their contact details and, where applicable, the contact details of their representatives or the representatives of the associations to which they belong, if such representatives are authorised in writing by the operator concerned by submission of a special power of attorney.

(3) For the purposes of sub-regulation (2)*(c)*, in the case where an operator holds an operating licence authorizing a number of routes, the contracting authority may have regard to the routes applied for by the operator when he, she or it applied to the regulatory entity for the licence, in determining whether the operator is an affected operator.

(4) The contracting authority must then negotiate with such affected operators, either individually or through their representatives or associations, with a view to concluding an agreement with the operators that may include offering them one or more of the following:

(a) Alternative services to those that will be provided in terms of the contract as contemplated in section 39(1) of the Act;

(b) shares or loan accounts in the operating company or companies or entity or entities that will be established or appointed to provide the services in terms of the contract, or

(c) compensation or another appropriate inducement.

(5) The contracting authority may address a written offer to an operator or operators contemplated in sub-regulation (2) stating a date for acceptance of the offer, which notice must be delivered to the operator or his, her or its representative or person representing the operator's association authorised in terms of sub-regulation (2)*(c)* at the physical or email address registered in terms of that sub-regulation.

(6) Where an operator to whom an offer has been addressed in terms of sub-regulation (5) fails to accept the offer or to reply to the notice by the date stated for acceptance, the operator will be deemed to have rejected the offer and the contracting authority will not be obliged to negotiate with that operator any further.

(7) Where an operator accepts an offer contemplated in sub-regulation (2), the agreement contemplated in that sub-regulation must include an undertaking by such operator to submit the operating licences or permits held by that operator authorising services on the route or routes that will be operated in terms of the proposed contract, for cancellation, amendment or conversion, as the case may be, to remove authorisation for any services that will compete with the services to be provided in terms of the contract.

(8) Where an operator contemplated in sub-regulation (7) continues operating public transport services on a route or routes in violation of an undertaking given under that sub-section or is otherwise in breach of an agreement contemplated in sub-regulation (2), the operator will forfeit any benefit granted to that operator in terms of sub-regulation (4)*(b)* or *(c)* after affording the operator a reasonable opportunity to provide reasons why the benefits should not be forfeited and if such reasons are not acceptable to the contracting authority, and the provisions of this sub-regulation must be included in such agreement.

(9) Any benefit accruing to an operator in terms of an agreement contemplated in sub-regulation (2) may not be paid or transferred to the operator until that operator has complied with sub-regulation (7), subject to sub-regulation (8).

(10) Where an operator has concluded an agreement contemplated in sub-regulation (2), the contracting authority may require the vehicles of the operator to be branded as a feeder-service or other component-service of the relevant integrated public transport network at the expense of the contracting authority.

(11) Before entering into a commercial services contract in terms of section 43 of the Act, the contracting authority must take the steps listed in paragraphs *(a), (b), (c)* and *(f)* of sub-regulation (1).

Operational and business plan

4. The operational and business plan contemplated in regulation 3(1)*(e)* must at least deal with–

(a) the need and desirability for the contract which is necessary or advisable to address the needs of passengers and employers in the relevant area or on the relevant routes and reasons why existing passenger transport services are inadequate;

(b) a reference to the transport needs assessment of the relevant ITP or ITPs and how it provides for or gives rise to the need for the contract;

(c) the estimated financial implications of the proposed contract for the contracting authority specifically and for the fiscus generally and in the case of a negotiated contract or subsidised service contract how the contract will provide value for money in terms of the dispensing of subsidies;

(d) as regards the financial implications of the proposed contract, a multi-year financial operational plan, approved by the municipal council in the case of a municipality, covering the full duration of the contract for each phase funded by the Public Transport Network Grant provided annually in terms of the Grant Framework and including operating and maintenance costs and universal design access plans;

(e) verified data on operator revenue and profitability;

(f) how the contract will promote fiscally and financially sustainable public transport services by estimating fare revenue and other expected revenue and setting it off against expected expenditure;

(g) in the case of a negotiated contract, a short description of the negotiation process and the parties with whom negotiations were conducted;

(h) in the case of interprovincial services, a description of engagements with and agreements between the contracting authority, the province and other relevant province or provinces and the other municipality or municipalities;

(i) in the case of intraprovincial cross-boundary services, a description of engagements with and agreements between the contracting authority, the province and the other relevant municipality or municipalities, and

(j) the arrangements made or to be made for supervision and monitoring of the services that will be provided in terms of the contract

Transition from existing contracting arrangements

5. (1) As required by section 42(1) of the Act a contracting authority must commence with the activities contemplated in regulation 3(1) to put in place a new contract not later than one year before the anticipated expiry of a contract where the

relevant integrated transport plan or plans show that passengers on the relevant routes or in the relevant area or areas still require contracted services.

(2) Where an adequate integrated transport plan or plans is or are not available for the purpose contemplated in sub-regulation (1) the contracting authority must use all other information available to it for the purposes of designing the contract or contracts as contemplated in section 93(4) of the Act.

(3) The contracting authority must synchronize arrangements between the old and new contract and the new contract must be phased in so that there is no break in services to the relevant passengers, and with due regard to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation.

(4) The contracting authority must advise passengers by means of one or more public meetings or by leaflets distributed or left at terminals, bus stops and other facilities, or by notices in local newspapers other appropriate means, of the new operator and of any changed circumstances applicable to the new contract or the changeover to the new contract.

General requirements

6. (1) In negotiating or concluding contracts in terms of the Act the contracting authority must give due regard to–

(a) any requirements and model tender and contract documents prescribed or provided in terms of section 42(6) of the Act;
(b) the Regulations Relating to Integrated Fare Systems, 2011 promulgated in *Government Gazette* 34363 of 17 June 2011 (Notice No. R.511);
(c) universal design and access requirements and standards published by the Department, or by the Minister in terms of section 8(1)*(y)* of the Act, and those published in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and generally ensure that there is provision for the needs of targeted categories of passengers;
(d) relevant policies to promote non-motorised transport and accessible transport regarding both public transport operations and infrastructure;
(e) an environmental strategy and considering energy efficiency and environmental aspects such as emission standards, and should consider mandatory specifications for average fleet emissions;
(f) fare integration between different modes and services;
(g) the need to promote the economic empowerment of small business and persons previously disadvantaged by unfair discrimination and to prevent the rise or continued existence of monopolies created by previous unfair legislation or practices:

(h) section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation during the transition from one contract to another, where relevant, and

(i) where the proposed operator has provided services in terms of a previous contract with the contracting authority or any other organ of state, the past performance of the operator in performing that previous contract.

(2) Contracting authorities must ensure that provision is made for adequate electronic or physical monitoring of the services being provided in terms of contracts involving subsidies in the manner specified in the requirements and model tender and contract documents prescribed or provided in terms of section 42(6) of the Act and in compliance with any grant conditions published in terms of the relevant Division of Revenue Act.

(3) Stopgap contracts contemplated in section 41A of the Act must be used only in exceptional circumstances where they are necessary to provide services in the interim while the contracting authority is in the process of conducting negotiations for a negotiated contract or establishing a network, as contemplated in section 41A(1)*(c)* of the Act, and must not be used where they are likely to delay the conclusion of appropriate negotiated or subsidised service contracts, and may not be renewed.

(4) Where services will be provided in the areas of jurisdiction of more than one municipality in terms of the contract, the municipalities must–

(a) conclude a written agreement between them providing at least for the financial arrangements applicable to the proposed contract between them and taking into account the provisions of the IGRFA, and

(b) where appropriate approach the relevant province or provinces for assistance as contemplated in regulation 8.

(5) Where a proposed contract will impose financial obligations on a municipality beyond the three years covered in its annual budget the municipality must comply with section 33 of the Local Government: Municipal Finance Management Act, 2003 (Act. No. 56 of 2003).

(6) As section 41(1) of the Act provides that a negotiated contract may be concluded once only, a contracting authority may not conclude more than one negotiated contract in terms of that subsection, i.e. by concluding contracts in terms of more than one of the paragraphs *(a)*, *(b)* or *(c)* thereof.

(7) In the case of a contract contemplated in section 41(1)*(c)* of the Act, national or provincial parastatal transport entities must comply with section 54 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as well as other legislation applicable to the restructuring of parastatal entities, and municipal entities must comply with legislation applicable to their restructuring, before concluding the contract.

Requirements for tenderers

7. (1) The tender and contract documents contemplated in section 42(6) of the Act must include that to qualify as a tenderer for a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of, or in the capacity as agent of, an operator must comply with the following requirements:

(a) Must conduct public transport operations according to business principles with financial ringfencing, and

(b) must have his, her or its tax affairs in order and be able to furnish a valid tax clearance certificate or PIN (personal identification number) issued by the South African Revenue Services.

(2) For the purposes of sub-regulation (1)*(a)*, an operator is financially ringfenced if—

(a) the business of the operator's undertaking is conducted separately from that of another entity or undertaking or any other organisation;

(*b*) the operator keeps separate accounting records, in accordance with generally accepted accounting practice and procedures, of its assets, liabilities, income, expenditure, profits and losses;

(*c*) the operator's undertaking is financially sustainable in terms of its financial statements, and

(*d*) the operator has no unfair advantage as regards access to financial or other support or resources from any organ of state as defined in section 239 of the Constitution, unless such advantage is part of a scheme which applies generally, approved by the contracting authority, to protect or advance public transport operators disadvantaged by unfair discrimination or to assist small businesses.

(3) For the duration of a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of or in the capacity as agent of, an operator, must—

(a) keep separate record, in accordance with generally accepted accounting practices and procedures, of his or her or its financial position, performance, flow of funds and change in financial position;

(b) undergo an annual audit by a person registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);

(c) comply with the requirements of sub-regulation (1), and

(d) not enjoy an unfair advantage emanating from an organ of state, but any advantage emanating from a subsidised service contract is not deemed to be an unfair advantage for the purposes of this section.

(4) For the purpose of this regulation—

(a) "ownership control" means control by one person or entity over another as contemplated in section 2 of the Companies Act, 2008 (Act No. 71 of 2008), and

(b) "unfair advantage" means, but is not limited to—

(i) the receipt by an operator of any direct or indirect benefit, including funds, resources, donations, grants, consideration or other advantage, whether financial or otherwise, which is not available on the same terms and conditions to all other potential operators;

(ii) the direct or indirect guarantee or honouring of any of the obligations of the operator, including the arrangement or facilitation thereof;

(iii) the direct or indirect provision of a loan bearing no interest, or interest at a substantially lower rate than would be available commercially to a similar operator under similar conditions, or a loan in respect of which interest payments are deferred for a period of more than six months, including the arrangement or facilitation of the granting of any such loan;

(iv) allowing an operator to make use, or failing to prevent an operator from making use, of any public resources, including infrastructure, property, facilities, assets, human resources, systems, expertise or intellectual property, or facilitating such action, which would not be available to another similar operator on the same terms and conditions.

(5) The contracting authority must consider the fitness of the tenderer as an operator based, among other things, on the latter's record of convictions for criminal offences of a type considered to be relevant by that authority.

Assistance by provinces

8. (1) A province may assist a municipality or more than one municipality with the conclusion of a contract or may conclude a contract as agent of a municipality or on behalf of the municipality or municipalities as contemplated by section 238(b) of the Constitution.

(2) In such a case the province and municipality or municipalities, as the case may be, must conclude a written agreement setting out the roles and obligations of the parties, taking into account the provisions of the IGRFA and including, but not limited to–

(a) the financial arrangements applicable to the proposed contract or contracts;

(b) measures that will be undertaken by the province to build capacity and resources into the municipality or municipalities as contemplated by section 154(1) of the Constitution and section 11(1)*(b)*(v) and (vi) of the Act, and

(c) an undertaking by the municipality or municipalities that they commit to availing resources to be capacitated in building municipal capacity or agree to take over resources that may be sourced and trained by the province for that purpose.

(3) The contract or contracts must be provided for in the integrated transport plans of the relevant municipalities and must assist in providing and integrating public transport services to the communities of the municipalities as required by the Act and the Minimum Requirements.

(4) Before signature of the proposed contract, it must be submitted to the Department and National Treasury for their comments, and the contracting authority must consider any comments that may be submitted by the Department or National Treasury as may be appropriate.

(5) The municipality must obtain a resolution from its municipal council approving the proposed contract before signature of the contract.

Transitional provisions

9. (1) A contract concluded before the date of coming into operation of these regulations remains valid until it expires or until cancelled or terminated, despite the provisions of these regulations.

(2) Negotiations conducted with operators by a contracting authority before the date of coming into operation of these regulations remain valid.

Repeal of previous regulations on contracting for public transport services

10. The National Land Transport Regulations on Contracting for Public Transport Services promulgated in *Government Gazette* 32535 on 31 August 2009 (Government Notice No. R.877) are hereby repealed.

CHAPTER 2: REGULATIONS ON ELECTRONIC-HAILING SERVICES

Definitions for Chapter 2

11. In this Chapter of these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

"**agreement**" or **"e-hailing service agreement"** means the agreement between an operator and the e-hailing platform provider contemplated in regulation 18;

"**app**" or **"application"** means a technology-enabled application contemplated in section 66A(1)*(a)* of the Act;

"child" means a child as defined in the Children's Act, 2005 (Act No. 38 of 2005);

"ECA" means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

"**ECTA**" means the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

"e-hailing platform provider or **"platform provider"** means a person who provides the application or any technology that is designed or used in enabling the e-hailing public transport service to be provided, including any or all of the value chain elements listed in regulation 15;

"equipment" means equipment as defined in the Type Approval Regulations, 2013;

"identity card" means an identity card as defined in the Identification Act, 1997 (Act No. 68 of 1997);

"operator" means a person who is a holder of an operating licence that entitles operation of e-hailing service before the coming into force of section 66A of the Act and after the coming into force of section 66A, subject to regulation 12, an e-hailing service operating licence issued in accordance with section 66A of the Act read with these regulations;

"RICA" means the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002 (Act No.70 of 2002);

"**Type Approval Regulations, 2013**" means the Type Approval Regulations developed in terms of section 4(1) read with section 35 of the ECA promulgated in *Government Gazette* 36785 of 26 August 2013 under Notice 871, and

"**user**" means a person who orders a ride for an e-hailing service or a person who uses a ride ordered and paid for by a third party registered as a user in an e-hailing platform.

Application of Chapter 2

12. (1) The regulations in this Chapter apply to all processes contemplated in this Chapter as well as implementation of the provisions of section 66A of the Act.

(2) Operating licences to provide e-hailing services in terms of section 66A of the Act and these regulations may be granted and issued on proper application for such licences to the appropriate regulatory entity.

(3) An application to a regulatory entity for the granting, renewal, amendment, transfer or conversion of an operating licence for an e-hailing service must be lodged by submitting the completed Form 1B attached to the National Land Transport Regulations, 2009, together with the information and documents specified in that Form and the application fee specified in the National Land Transport Regulations, 2009

Requirements for e-hailing services

13. E-hailing services may only be provided where there is an e-hailing platform provider approved by the National Public Transport Regulator and an operating licence has been for the vehicle being used for the e-hailing service.

Conversion of operating licences for e-hailing services issued prior to commencement of section 66A of the Act

14. (1) All operators providing e-hailing services in terms of operating licences issued before the coming into operation of these regulations, regardless of how those services are described in such licences, must apply for the conversion of their operating licences within 180 days of coming into effect of these regulations, to the regulatory entity that issued the licence.

(2) On receipt of the application for conversion, subject to applicable application process and compliance by the operator, the regulatory entity may issue to the operator an operating licence specific to e-hailing services in terms of regulation 23.

(3) Until the regulatory entity has replaced the old operating licence with a new e-hailing service operating licence as provided in sub-regulation (1) and (2), the operator must retain the old operating licence and only hand it over to the regulatory entity when the new operating licence is being issued or the application has been denied.

(4) The regulatory entity must communicate a decision to the applicant not later than 60 days after receipt of the application for conversion if the application complies with the Act, this regulation and the relevant provisions of the National Land Transport Regulations, 2009.

(5) Where an application for conversion has not been submitted as required by sub-regulation (1) within the period mentioned therein, the relevant regulatory entity must cancel the operating licence.

(6) As from a date calculated as 180 days after the date of coming into operation of these regulations, no operator may operate e-hailing services using an operating licence that was issued before the date of coming into operation of these regulations, unless the operator is waiting for the decision of the regulatory entity on its application to convert as contemplated in in sub-regulation (1).

Requirements for e-hailing applications (apps) and e-hailing platform providers

15. (1) The e-hailing application and e-hailing platform provider must be approved by and registered with the National Public Transport Regulator.

(2) An e-hailing platform provider must be a natural or juristic person with valid South African citizenship or permanent residence or be incorporated in terms of South African laws.

(3) All of the equipment used or to be used by the e-hailing platform provider constituting 'equipment' as defined in Type Approval Regulations, 2013 must be type approved and proof thereof be provided to the National Public Transport Regulator as part of the application for registration, or if acquired after registration, before it is used in the provision of the e-hailing transport service.

(4) A platform provider must apply for registration with the National Public Transport Regulator by completing Form 9A attached to these regulations and providing the information required therein and paying the application fee specified in Schedule 2 to the National Land Transport Regulations, 2009.

(5) The National Public Transport Regulator must register the platform provider if the application is compliant and the platform provider complies with these

Regulations and has provided acceptable details of the premises contemplated in sub-regulation (6).

(6) An e-hailing platform provider must have physical premises in the Republic to enable operators to engage with it as well as online presence.

(7) As from a date calculated as 180 days after coming into operation of these regulations, no one may provide an e-hailing service using a platform provider that is not registered in terms of this regulation.

Minimum specifications for e-hailing platform

16. (1) The platform must have at least the following functionalities for the passenger:

(a) A user must be able to sign up with the e-hailing platform app.

(b) Provision for the creation of a trip request with end destination.

(c) Provision for section of a service including categories where the e-hailing platform management company provides for varying service offerings.

(d) The user must be able to check the price for the ride beforehand.

(e) The app must enable the user to view live billing as the ride is taking place.

(f) The user must be able to interact with the driver after the driver has been allocated to the user.

(g) Provision for push notifications to keep the user up- to- date with the trip request status, driver arrival time, driver and car details.

(h) The user must be able to contact the driver through the app.

(i) The platform must enable a user to book the ride for another traveller from own account.

(j) Payment must be able to be done automatically after the ride is complete, where the rider is making electronic or card payment.

(k) The user must be able to select a payment method including adding a credit card or debit card beforehand, where it is the user choice of payment.

(l) The user must be able to review the driver when the trip is complete.

(m) Panic buttons must be provided in case of emergency which are connected to relevant law enforcement agencies, private security service providers or vehicle

tracking providers appointed by the platform provider, and are tested regularly, at least once a month to ensure that they are still functional.

(n) Panic buttons contemplated in paragraph *(m)* must be capable of being accessed and used by passengers as well as by the driver of the vehicle.

(2) The platform must have at least the following functionalities for the driver:

(a) The platform must provide for the driver profile and status which must include the following details:
(i) a photograph of the driver not older than 12 months;
(ii) details of the driver's valid driving licence;
(iii) details of the driver's professional driving permit, including expiry dates, and
(iv) the motor vehicle details including at least, make, model, date of first registration in terms of the National Road Traffic Act, registration number and colour.

(b) The driver must be able to receive trip orders to accept or decline, including passenger information regarding the location and destination.

(c) The platform must provide the driver with navigation and route optimisation that offers the best trip route option.

(d) There must be driver delivery reports that provide the driver with daily, weekly, and monthly information regarding trips and earnings, where applicable.

(e) The app may also be capable of charging the user for waiting time starting from a defined parameter as additional cost on top of the base fare.

(f) The app must be able to provide the driver with a heat map that enables the driver to be aware of high demand areas.

Minimum requirements for e-hailing platform administration function

17. The e-hailing platform administration function must at least include the following:

(a) Driver and user management;
(b) Location and fares management using the latest updated maps;
(c) Booking and payment management;
(d) Vehicle management;
(e) Driver orders and payoffs management, and
(f) Customer service centre to report passenger experiences.

E-hailing service agreements

18. The arrangement between the prospective operator and the e-hailing platform provider must be reduced to writing and include at least the following:

(a) The legal names of the parties as reflected in the identity card or other identity document acceptable to the regulatory entity in the event of natural persons and names as reflected at the institution where the entity is registered in the event of a juristic person.

(b) The authorized representatives with their full details must be reflected in the event of juristic persons.

(c) The jurisdiction of the agreement must be the Republic of South Africa.

(d) The agreement must be conditional upon the prospective operator obtaining the necessary operating licence for the e-hailing services.

(e) The agreement must provide that all the electronic equipment including a mobile phone to be used by the driver must be compliant with the requirements of RICA and ECA.

(f) Where the prospective operator will not be driving the vehicle personally, the agreement must provide that the prospective operator will introduce the driver to the platform and that the driver must meet all of the requirements meant to be met in terms of these regulations for a driver to provide e-hailing services.

(g) The e-hailing service agreement may be in the form of terms and conditions provided by the platform provider to the prospective operator in the form of data as defined in the ECTA.

Minimum safety requirements for e-hailing services

19. (1) The regulatory entity receiving an application for an e-hailing operating licence must, before issuing an operating licence, be satisfied, in addition to the requirements of the Act, the National Road Traffic Act and the National Land Transport Regulations, 2009, that–

(a) the applicant includes a SAPS 69 Report issued by the South African Police Service regarding the driver of the vehicle, reflecting that he or she does not have criminal record in South Africa that will make him or her not eligible to convey passengers for reward in South Africa;
(b) the driver has signed a declaration stating that there are no pending criminal investigations against him or her in South African or in another country that may result in conviction for an offence by a court of law, where such offence could have a bearing on the provision by the driver of public transport services;
(c) the driver holds a relevant driving licence and professional driving permit as required by the National Road Traffic Act;
(d) the motor vehicle is fitted with a panic button as required by regulation 16(1)(m), and

(e) the motor vehicle is marked with the information contemplated in regulation 26(1).

Requirements for the e-hailing platform provider to grant access to use of its infrastructure and services

20. The e-hailing platform provider may only grant access to use of its infrastructure and services if the–

(a) mobile device owner is registered in the system as part of the agreement referred to in regulation 18;

(b) operator or driver declares in writing that the mobile device to be used is compliant with RICA and ECA and it belongs to the registered driver or operator contracted to the e-hailing platform provider;

(c) passenger is in possession of a mobile device that will be used by him or her to hail the service with the device that is compliant with RICA and ECA and such passenger has registered with the platform provider by including his or her identity number or passport number as well as residential address, and

(d) operator is the holder of an operating licence issued by the regulatory entity for the e-hailing service as required by the Act and these regulations.

Suspension or cancellation of access to e-hailing platform

21. (1) The e-hailing platform provider must suspend or cancel access to the e-hailing platform of the operator and the operator's driver as soon as it becomes aware of non-compliance with the access conditions.

(2) Such platform provider must give notice of such suspension or cancellation and the reasons to the regulatory entity that issued the operating licence to the operator as soon as possible, but not later than 48 hours after such suspension or cancellation.

(3) The operator must notify the regulatory entity that issued the operating licence as soon as access to e-hailing platform has been suspended or cancelled by the e-hailing platform provider within 24 hours of such notification.

(4) Where the operator has been suspended or cancelled by all e-hailing platforms, that operator must cease to operate until access has been restored and must hand in the operating licence to the regulatory entity within 48 hours of the suspension or cancellation until access has been restored.

Use of more than one e-hailing platform provider

22. (1) An operator may have agreements with more than one approved e-hailing platform provider at the same time.

(2) On registering with a new e-hailing platform provider, the operator must notify the regulatory entity that issued the e-hailing operating licence in writing within 48 hours of so registering.

Minimum requirements for regulatory entity to grant e-hailing service operating licence

23. (1) An applicant applying for an e-hailing operating licence must complete Form 1B attached to the National Land Transport Regulations, 2009 and pay the application fee specified in those Regulations.

(2) In addition to any other documents that may be required in terms of the National Land Transport Regulations, 2009, the applicant must also submit a copy of the agreement signed or terms and conditions accepted by the applicant with the e-hailing platform provider, which complies with the requirements listed in regulation 18.

(3) Where the platform provider has categories of vehicles to provide different standards for passengers, the application for an operating licence must indicate that is so and the standards must be incorporated in the operating licence conditions.

Minimum requirements for electronic equipment used for e-hailing services

24. No equipment may be used in providing the e-hailing service by the e-hailing platform provider, operator, driver or user unless−

(a) it is type approved in terms of the Type Approval Regulations, 2013, where required;
(b) it is used in compliance with RICA;
(c) it is registered to the e-hailing platform provider, operator and driver, and
(d) the registration for RICA is compliant with section 39 of RICA.

E-receipt for passengers

25. (1) The operator must issue every passenger using and paying for an e-hailing service with an electronic receipt.

(2) The electronic receipt must reflect at least the following details:

(a) The name and business address of the operator;
(b) The operating licence number issued for the motor vehicle conveying the user;
(c) The e-hailing platform provider used for the service;
(d) The start and end points plus amount paid for the ride;

(e) The date and time the receipt was issued corresponding with the time of the ride by the user;
(f) The name of the driver, and
(g) The make, model and registration number of the motor vehicle used for the ride.

(3) For the purposes of this regulation, issuing includes any form of electronic communication accessible to the passenger or ride organiser through which the electronic receipt may be received.

Marking and branding of motor vehicles used for e-hailing services

26. (1) A motor vehicle used for e-hailing services must be marked with full details of the operator, including name and business address on both sides of the front doors at all times while providing the services.

(2) The contact telephone or mobile phone number of the operator or management company, if the operations are managed through a management company, must be included in the details.

(3) The contact telephone or mobile phone number written on the motor vehicle must be in working order at all times when the service is provided.

(4) Subject to this regulation, the motor vehicle may be branded according to the operator's requirements.

(5) Notwithstanding the provisions of section 50(2) of the Act, a motor vehicle used for e-hailing services may not be branded for other services while it is being used for e-hailing services.

Notices by regulatory entity and planning authority to e-hailing platform provider

27. The National Public Transport Regulator, a regulatory entity or a planning authority may issue a notice to an e-hailing platform provider under the following circumstances:
(a) Requesting records pertaining to any operator licensed with that e-hailing platform provider and using the e-hailing platform provider concerned;
(b) Requesting any information necessary for transport planning purposes;
(c) Requesting any other information or a response arising out of any inquiry where the e-hailing platform provider is involved;
(d) In the event of any contravention of the Act or these regulations or licensing conditions pertaining to an operator licensed using the e-hailing platform provider, or

(e) Any other matter that the National Public Transport Regulator, a regulatory entity or a planning authority considers relevant for the purposes of its powers and functions in terms of the Act.

Transitional arrangements

28. (1) Any operating licence issued for e-hailing service before the coming into operation of these regulations remains valid subject to regulation 14.

(2) An application for an operating licence for an e-hailing service that is before a regulatory entity on coming into effect of these regulations must be finalised in accordance with these regulations.

(3) An operator using an e-hailing platform that is not approved by the National Public Transport Regulator will not be granted and issued with e-hailing services operating licence.

CHAPTER 3: REGULATIONS ON CONVERSION OF PERMITS AND INDEFINITE PERIOD OPERATING LICENCES TO OPERATING LICENCES REQUIRED BY THE ACT

Definitions for Chapter 3

29. In this Chapter, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following expression has the meaning assigned to it:

"operating licence for conversion" means an operating licence contemplated in section 47(1) of the Act that was issued in terms of the Transition Act for an indefinite period or a period exceeding seven years.

Application of Chapter 3

30. This Chapter applies to all holders of permits and operating licences for conversion, and to persons operating vehicles conveying passengers for reward without operating licences, where they are required to hold operating licences in terms of the Act.

General conversion

31. (1) As required by section 47 of the Act, all holders of permits and operating licences for conversion must apply for conversion of such permits and operating licences to definite period operating licences, and must do so within 24 months of coming into operation of these regulations.

(2) Application for conversion must be made to the relevant regulatory entity by completing the form prescribed in the National Land Transport Regulations, 2009.

(3) The applicant for conversion must have been providing the services authorised by the permit or operating licence for conversion continuously for 180 days as required in terms of section 47(3) of the Act.

(4) The applicant must provide proof of having operated continuously as required by sub-regulation (3) to the satisfaction of the regulatory entity, as contemplated in sub-regulation (5).

(5) The manner of proving continuous operation for 180 days will be at the discretion of the regulatory entity to which the application is made and may include evidence provided by rank marshals, driver employment records and vehicle service records, bank statements showing regular money deposits, association subscription and membership fees or records or any other records that may, when collectively viewed, suggest sufficient proof that the services have been operated as required to qualify for conversion: Provided that the foregoing is not intended to be exhaustive and the different modes of public transport services may be able to provide proof differently based on how they operate.

(6) The permit or operating licence sought to be converted must be linked to a motor vehicle owned by the holder thereof as required by section 64(1) of the Act and have been used to provide the service authorised by such permit or licence for the minimum duration of 180 days prior to the application for conversion.

(7) A permit or operating licence that cannot be linked to a motor vehicle as required in terms of sub-regulation (6) may not be converted to an operating licence.

Legalisation of qualifying persons who do not hold permits or operating licences

32. (1) Persons who have been operating public transport services without holding the required permit or operating licence and who qualify in terms of sub-regulation (4) may apply for operating licences to legalise the services they have been operating.

(2) The regulatory entities must issue invitations by a notice or notices in newspapers circulating in the relevant area and by placing notices at their offices and

at appropriate public transport ranks or terminals as well as on the website of the relevant entity, for persons who have been operating without permits or operating licences to apply for the required licences as special applications in terms of this regulation.

(3) The invitations contemplated in sub-regulation (2) must be for a period of not more than 90 days for applicants to submit applications for operating licences.

(4) Applicants for legalisation in terms of this regulation must provide proof to the regulatory entity that they have been providing the relevant public transport services for not less than 180 days prior to the application including details of the motor vehicle or vehicles registered in their names in terms of the National Road Traffic Act that have been used in the provision of the services.

(5) The information contemplated in regulation 31(5) may be provided as proof that the applicant has been operating as required by sub-regulation (4).

(6) The application must be processed terms of the Act and the National Land Transport Regulations, 2009 for the type of service applied for and the Department may issue practice notes or guidelines to guide regulatory entities in this regard.

(7) In the case of a minibus taxi-type service, application for legalisation may only be made if the applicant is a member of an association that was provisionally or fully registered in terms of the Transition Act or provincial legislation, and only for routes that were so registered.

(8) In considering applications for operating licences in terms of this regulation, the regulatory entity may take into account the fact that a similar application by the applicant was previously refused by any regulatory entity or was blocked in any way in the past terms of the special procedures for legalisation contemplated in section 41 of the Transition Act, or any similar process provided in provincial legislation.

CHAPTER 4: MORATORIUM ON APPLICATIONS FOR OPERATING LICENCES FOR NON-CONTRACTED SERVICES

Imposition of moratorium on applications for operating licences for non-contracted services

33. (1) The planning authority intending to impose a moratorium on applications for operating licences or the issuing of operating licences in terms of section 39(1)(*b)* read with section 55(3) of the Act must–

(a) conduct a survey on the route or routes targeted for the moratorium, which must include a list of all operators and vehicles using the route or routes for non-

contracted public transport services, including details of operating licences authorising such services on the route or routes, a list of vehicles operating such services without operating licences, the names of associations of which the operators are members as well as any other relevant information that the planning authority may consider in compliance with the Act: Provided that such a survey is not necessary if the planning authority has a current integrated transport plan that already contains the required information;

(b) compile a list of operators that are lawfully operating on the route as well as the association or associations that are legally registered to operate the route;

(c) consult with the operators, associations representing legal operators, the MEC and the regulatory authority responsible for issuing operating licences for the route;

(d) comply with all the local government legislation regarding public consultation, to the extent required in arriving at and taking a decision to declare a moratorium;

(e) request the assistance of the MEC or the Minister where it has identified the need for a moratorium but does not have the relevant integrated transport plan or funds to conduct a survey in terms of paragraph *(a)* above, and

(f) after consultation in terms of paragraph *(c)* make a decision that must be communicated to all the consulted stakeholders by written correspondence or through a notice in the *Gazette*.

(2) The planning authorities in a province may enter into an agreement with the province in terms of section 12(1) of the Act to provide for the provincial declaration of moratoria.

(3) Where the province takes responsibility to declare a moratorium as contemplated in sub-regulation (2), the surveys and consultation processes may be conducted by the province on behalf of the planning authorities who are parties to the section 12(1) agreement.

(4) The moratorium must be declared for a definite period of not more than two years at a time.

(5) The declared moratorium may be extended once for a period not exceeding one year without following the process provided for in sub-regulation (1)*(a)*, whereafter the survey and consultations must be conducted for further extension of the moratorium.

Effect of moratorium on pending applications for operating licences

34. Where a moratorium is imposed in terms of this Chapter, applications for operating licences pending before the regulatory entity on the date of commencement

of the moratorium must be processed by the regulatory entity, and if the application is granted the relevant operating licence must be issued despite the moratorium.

Invitation for new applications for operating licences under special circumstances

35.(1) Despite the existence of a moratorium, the planning authority may invite applications for new operating licences where new developments or other changed circumstances require public transport services during the course of the moratorium.

(2) A planning authority may declare a moratorium in terms of this Chapter for a specific route or routes or a specific area or areas, which may exclude routes or areas where new developments are or have been taking place or where circumstances have changed as contemplated in sub-regulation (1).

CHAPTER 5: GENERAL PROVISIONS

Rationalising services

36. In rationalising services on a route in terms of section 39 of the Act the planning authority must–

(a) conduct a survey on the route to compile a list, insofar as possible, of operators providing services on the route, and a list of the associations that represent those operators, provided that this information is not available from the relevant integrated transport plan or plans;

(b) identify and make a list of organisations representing passengers being conveyed on the route, including those representing targeted categories of passengers;

(c) consult with the operators, associations and organisations identified and listed under paragraphs *(a)* and *(b)* on the proposed rationalisation;

(d) liaise with and, where appropriate, conclude an agreement with law enforcement authorities in terms of section 85(2) of the Act to identify and prosecute operators using the route without the required operating licences or permits, or contrary to the conditions of those licences or permits, and to take steps in consultation with the relevant regulatory entity to ensure that the operators either obtain the necessary licences or cease operating on the route, and

(e) where appropriate direct the regulatory entity to impose a moratorium on new applications for operating licences on the route in terms of section 55(3) of the Act.

Offences and penalties

37. (1) An operator who–

(a) contravenes regulation 14(6); or

(b) fails to issue an electronic receipt for e-hailing services that complies with regulation 25(4);

commits an offence.

(2) A platform provider who fails to comply with a request under regulation 27 commits an offence.

(3) Any person who contravenes regulation 15(6) commits an offence.

(4) A person who commits an offence contemplated in sub-regulation (1), (2) or (3) is liable on conviction to a fine not exceeding R100 000.

38. Amendment of National Land Transport Regulations, 2009

The National Land Transport Regulations, 2009 are hereby amended by–

(a) renumbering the third paragraph of sub-regulation 34A(1) as paragraph *(c)* and replacing the words "Form 5AA" in that sub-regulation with the words "Form 1A";

(b) deleting the words "as contemplated in regulation 35A(1)" in regulation 35(1);

(c) replacing the words "Form 5AA" in sub-regulation 35(2) with the words "Form 1A";

(d) replacing the words "Form 5AA" in sub-regulation 36(1) with the words "Form 1A";

(e) Deleting Form 5AA as well as the reference to it in the List of Forms;

(f) Replacing Forms 1A and 1B with the attached forms;

(g) Inserting the attached Form 9A as a new form;

(h) replacing Schedule 2 to such Regulations (Table of Fees) with the following:

SCHEDULE 2: TABLE OF FEES

Regulation	Description	Fee
2(1), 3(1), 6(1), 7(1), 10(1), 11(1), 15(2), 16(1)	Application for new operating licence, or for renewal, amendment, transfer or conversion of an operating licence or permit	R600,00
6(6)	Submission of application to the NPTR in terms of section 21(4) of the Act	R600,00
17(4)(b) and (c)	Inspection of documents or requesting copies	R100,00 per request
17(4)(d)	Providing copies	R2,00 per folio
20	Application for temporary operating licence	R100,00
26	Application for written authorization to replace a vehicle temporarily	R100,00
28, 36(8)	Application for duplicate operating licence or decal	R600,00
29(3)	Notification of courtesy service to NPTR	R600,00
30(1), 35(1)	Application for accreditation, or renewal of accreditation of a tourist transport operator or for amendment of conditions of accreditation	R2 000,00
15(4) of the Second National Land Transport Regulations, 2024	Application to the NPTR for registration by platform provider	R5000,00

Short title and commencement

39. (1) These regulations are called the Second National Land Transport Regulations, 2024 and come into operation on the date of publication in the *Gazette*.

(2) Different provisions of these regulations may be brought into operation on different dates.

FORM 1A PAGE 1

DEPARTMENT OF TRANSPORT

National Public Transport Regulator

NATIONAL LAND TRANSPORT ACT 2009, (ACT NO. 5 OF 2009)

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT

SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

Application type:		Compulsory sections to be completed by applicant:
1) **New operating licence**	☐	A, B, C, F, G, H, K, L
2) **Transfer of an operating licence or permit**	☐	A, B, C, D, F, G, H, K, L
3) **Amendment of an operating licence or permit for:**		
a) Additional authority	☐	
b) Amendment of route or area	☐	
c) Change of particulars	☐	
e) Amendment of timetables, tariffs or other conditions	☐	
f) Replace existing vehicle	☐	
g) OL for recapitalised vehicle	☐	
4) Renewal of an operating licence or permit	☐	A, B, C, D, F, G, H, K, L
5) Conversion of a permit to an operating licence	☐	A, B, C, D, F, G, H, K, L

SECTION B (Compulsory for all application types)

PARTICULARS OF APPLICANT

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

RSA identity document		Temporary identity certificate	
Passport		Foreign identity document	
Founding statement		Certificate of incorporation	

Type of identification	Letters of Authority (trust)		Partnership Agreement	

*Attach a certified copy

FORM 1A PAGE 2

Identity no./passport no./ business registration number

Trade name (if applicable)

Type of business

Postal address and code

Postal Code

Street address (if different from postal address) *Domicillium citandi et executandi*

Postal Code

Telephone number(s) Code

Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration number
[Attach original Tax Clearance Certificate]

SECTION C (Compulsory for all application types)

PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

Surname

First names (not more than 3)

Identity number

Type of identification	RSA identity number	Passport
	Other (specify)	

Telephone number Code

Cell number

SECTION D (Compulsory for application types 2,3,4 and 5)

PARTICULARS OF EXISTING OPERATING LICENCE OR PERMIT (in the case of an application for renewal, amendment, transfer or conversion)

Operating licence number/permit number

REGULATORY ENTITY which issued the operating licence/permit

Date of issue Y Y Y Y / M M / D D Expiry date Y Y Y Y / M M / D D

Attach a certified copy of the operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence

FORM 1A PAGE 3

SECTION E (Compulsory for application types 2)

PARTICULARS OF PERSON OR ENTITY TO WHICH THE OPERATING LICENCE IS TO BE TRANSFERRED (in the case of an application for transfer)

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification

*Attach a certified copy

RSA identity document		Temporary identity certificate	
Passport		Foreign identity document	
Founding statement		Certificate of incorporation	
Letters of Authority (trust)		Partnership Agreement	

Identity no./passport no./ business registration number

Trade name (if applicable)

Type of business

Postal address and code

Postal Code

Street address (if different from postal address) *Domicillium citandi et executandi*

Postal Code

Telephone number(s) Code

Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration number

**Attach original Tax Clearance Certificate/SARS Tax Compliance Status PIN letter*

**Include written consent of transferor*

FORM 1A PAGE 4
SECTION F (Compulsory for all application types)

TYPE OF PUBLIC TRANSPORT SERVICE

[Tick type of service: it may be necessary to tick more than one]

Type of service				
*Please attach a certified copy of the contract between the	Scheduled bus service		Minibus-taxi-type service	
	Staff service		Charter service	
	Courtesy vehicle		Metered taxi service	
	* Scholar transport service		e-Hailing service	
	Tourist transport service		Other services	

operator and school or other educational institution or letter of authorisation from the principal or authorised administrative officer.
*Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)	

Number of passengers that will be carried

In the case of a long-distance service, state why passengers cannot use existing transport services and motivate why the proposed service is necessary (supporting documents may be attached).

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?

YES	NO

If NO, give reasons

*Any recommendations or documentation in support of this application may be attached.

FORM 1A PAGE 5

SECTION G

PARTICULARS OF ROUTES (Not applicable for Charter Services, Metered Taxis, Tourist transport and e-hailing services)*

Describe the FIRST route in detail:

Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted

Describe the SECOND route in detail (Complete for application of additional service)

Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted).

[If there are more routes, they must be described on a separate sheet of paper]

In the case of Metered Taxis, tourist transport and e-hailing service please describe the area which will be served:

**Tourist transport services may or may not have particulars of routes depending on application details.*

FORM 1A PAGE 6

SECTION H (Compulsory for all application types)

AUTHORISED RANKS AND TERMINALS

State the authorised ranks and terminals used or to be used

SECTION I

PARTICULARS OF CONTRACT (in the case of a contracted service)

A certified copy of the contract is to be attached. (Note: Only contracts with National, Provincial or local sphere of government)

Type of contract | Subsidised Service Contract | Negotiated Contract | Commercial Contract

Contract reference number

Names of parties to The contract 1

2

Addresses of parties to the contract

1 Postal Code

2 Postal Code

Name of sub-contractor (if applicable)

Duration of contract *from* Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

SECTION J

TIME TABLES (In the case of a scheduled service)

The applicable (current) time tables are attached as Annexure. YES | NO

SECTION K (Compulsory for all application types)

DECLARATION

I the undersigned (full name) ..... certify that the information furnished in this application form is true and correct. I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

FORM 1A PAGE 7

....
Signature Date

.....
Name of person

Name of legal entity (if applicable)

SECTION L (Compulsory for all application types)

VEHICLES DETAILS

For a new application please indicate the type of vehicle/s that you intend to purchase (if no vehicle is owned at present):

*Please note that operating licences are granted per vehicle. Therefore, the applicant is required to pay the fee for each vehicle listed in this application. If applications are made for more than three (3) vehicles please attach a separate page containing the details below:

Number of vehicles to be purchased:

Type:	No.	Seating capacity				
Motor car						
Minibus						
Midibus						
Bus						
Other						

Vehicle 1:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 2:

Vehicle registration number

FORM 1A PAGE 8

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 3:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased YES NO

SECTION M- FOR OFFICE USE ONLY

OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)

This operating licence is issued subject to the following conditions

*Or attach conditions imposed as a schedule

Date of issue / / Y Y Y Y M M D D

.....

Signature of designated official of Regulatory Entity

FORM 1A PAGE 9

OPERATING LICENCE PARTICULARS

Operating licence 1

Operating Licence number

Valid from Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

Captured application details on OLAS Y Y Y Y / M M / D D

Date submitted to Publications Y Y Y Y / M M / D D

Date referred to PREs and Planning Authority Y Y Y Y / M M / D D

Operating Licence 2:

Operating Licence number

Valid from Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

Captured application details on OLAS Y Y Y Y / M M / D D

Date submitted to Publications Y Y Y Y / M M / D D

Date referred to PREs and Planning Authority Y Y Y Y / M M / D D

Operating Licence 3:

Operating Licence number

Valid from Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

Captured application details on OLAS Y Y Y Y / M M / D D

Date submitted to Publications Y Y Y Y / M M / D D

Date referred to PREs and Planning Authority Y Y Y Y / M M / D D

*In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.

FORM 1A PAGE 10

FOR OFFICE USE ONLY

Date Application received ____ / __ / __ (YYYY / MM / DD)

Captured application details on OLAS ____ / __ / __ (YYYY / MM / DD)

Reference number

Receipt number

Amount paid R

Date submitted to Publications ____ / __ / __ (YYYY / MM / DD)

Date referred to PREs and planning Authority ____ / __ / __ (YYYY / MM / DD)

Valid from ____ / __ / __ (YYYY / MM / DD) *to* ____ / __ / __ (YYYY / MM / DD)

Official's name

____ / __ / __ (YYYY / MM / DD)

CHECKLIST		
A certified copy of one of the following:	RSA Identity Document	
	Passport	
	Temporary RSA identity Document	
	Foreign Identity Document	
	Partnership Agreement	
	Board Resolution/ Founding agreement	
Valid Tax Clearance Certificate/SARS Tax Compliance Status PIN		
Valid vehicle licence and registration		
Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Employment and Labour.		
Copies of operating licences or permits of vehicles operated (if applicable).		
Letter or document of recommendation in support of the application (if any).		

FORM 1B PAGE 1

PROVINCIAL LOGO

******** PROVINCIAL REGULATORY ENTITY**

NATIONAL LAND TRANSPORT ACT 2009, (ACT NO. 5 OF 2009)

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT

SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

Application type:		Compulsory sections to be completed by applicant:
1) **New operating licence**	☐	A, B, C, F, G, H, K, L
2) **Transfer of an operating licence or permit**	☐	A, B, C, D, E, F, G, H, K, L
		A, B, C, D, F, G, H, K, L
3) **Amendment of an operating licence or permit for:**		
a) Additional authority	☐	
b) Amendment of route or area	☐	
c) Change of particulars	☐	
e) Amendment of timetables, tariffs or other conditions	☐	
f) Replace existing vehicle	☐	
g) OL for recapitalised vehicle	☐	
4) Renewal of an operating licence or permit	☐	A, B, C, D, F, G, H, K, L
5) Conversion of a permit to an operating licence	☐	A, B, C, D, F, G, H, K, L

SECTION B (Compulsory for all application types)

PARTICULARS OF APPLICANT

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification

*Attach a certified copy

RSA identity document		Temporary identity certificate	
Passport		Foreign identity document	

FORM 1B PAGE 2

Identity no./passport no./ business registration number

Trade name (if applicable)

Type of business

Postal address and code

Postal Code

Street address (if different from postal address) *Domicillium citandi et executandi*

Postal Code

Telephone number(s) Code

Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration number
[Attach original Tax Clearance Certificate]

SECTION C (Compulsory for all application types)

PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

Surname

First names (not more than 3)

Identity number

Type of identification

RSA identity number	Passport
Other (specify)	

Telephone number Code

Cell number

SECTION D (Compulsory for application types 2,3,4 and 5)

PARTICULARS OF EXISTING OPERATING LICENCE OR PERMIT (in the case of an application for renewal, amendment, transfer or conversion)

Operating licence number/permit number

REGULATORY ENTITY which issued the operating licence/permit

Date of issue / / Expiry date / /

Y Y Y Y M M D D Y Y Y Y M M D D

Attach a certified copy of operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence

FORM 1B PAGE 3

SECTION E (Compulsory for all application types)

PARTICULARS OF APPLICANT

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor	
First names, if sole proprietor (not more than 3)	

Type of identification *Attach a certified copy				
	RSA identity document		Temporary identity certificate	
	Passport		Foreign identity document	
	Founding statement		Certificate of incorporation	
	Letters of Authority (trust)		Partnership Agreement	

Identity no./passport no./ business registration number	
Trade name (if applicable)	
Type of business	
Postal address and code	Postal Code
Street address (if different from postal address) *Domicillium citandi et executandi*	Postal Code
Telephone number(s)	Code / Code
Facsimile number (if any)	Code
E-mail address (if any)	
Income tax registration number	

**Attach original Tax Clearance Certificate/SARS Tax Compliance Status PIN letter*

**Include written consent of transferor*

FORM 1B PAGE 4

SECTION F (Compulsory for all application types)

TYPE OF PUBLIC TRANSPORT SERVICE

[Tick type of service: it may be necessary to tick more than one]

Type of service				
	Scheduled bus service		Minibus-taxi-type service	
	Staff service		Charter service	
	Courtesy vehicle		Metered taxi service	
	Scholar transport service		e-Hailing service	
	Tourist transport service		Other services	

*Please attach a certified copy of the contract between the operator and school or other educational institution or letter of authorisation from the principal or authorised administrative officer.

*Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)

Number of passengers that will be carried

In the case of a long-distance service, state why passengers cannot use existing transport services and motivate why the proposed service is necessary (supporting documents may be attached).

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?

YES	NO

If NO, give reasons

*Any recommendations or documentation in support of this application may be attached.

FORM 1B PAGE 5

SECTION G

PARTICULARS OF ROUTES (Not applicable for Charter Services, Metered Taxis, Tourist transport and e-hailing services)*

Describe the FIRST route in detail:

Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted

Describe the SECOND route in detail (Complete for application of additional service)

Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted).

[If there are more routes, they must be described on a separate sheet of paper]

In the case of Metered Taxis, tourist transport and e-hailing service please describe the area which will be served:

**Tourist transport services may or may not have particulars of routes depending on application details.*

FORM 1B PAGE 6

SECTION H (Compulsory for all application types)

AUTHORISED RANKS AND TERMINALS

State the authorised ranks and terminals used or to be used

SECTION I

PARTICULARS OF CONTRACT (in the case of a contracted service)

A certified copy of the contract is to be attached. (Note: Only contracts with National, Provincial or local sphere of government)

Type of contract: Subsidised Service Contract | Negotiated Contract | Commercial Contract

Contract reference number

Names of parties to The contract 1

2

Addresses of parties to the contract

1 Postal Code

2 Postal Code

Name of sub-contractor (if applicable)

Duration of contract *from* Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

SECTION J

TIME TABLES (In the case of a scheduled service)

The applicable (current) time tables are attached as Annexure. YES | NO

SECTION K (Compulsory for all application types)

DECLARATION

I the undersigned (full name) ..... certify that the information furnished in this application form is true and correct. I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

FORM 1B PAGE 7

....
Signature Date

.....
Name of person

Name of legal entity (if applicable)

SECTION L (Compulsory for all application types)

VEHICLES DETAILS

For a new application please indicate the type of vehicle/s that you intend to purchase (if no vehicle is owned at present):

*Please note that operating licences are granted per vehicle. Therefore, the applicant is required to pay the fee for each vehicle listed in this application. If applications are made for more than three (3) vehicles please attach a separate page containing the details below:

Number of vehicles to be purchased:

Type:	No.	Seating capacity				
Motor car						
Minibus						
Midibus						
Bus						
Other						

Vehicle 1:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 2:

Vehicle registration number

FORM 1B PAGE 8

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 3:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased YES NO

SECTION M- FOR OFFICE USE ONLY

OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)

This operating licence is issued subject to the following conditions

*Or attach conditions imposed as a schedule

Date of issue / / (Y Y Y Y / M M / D D)

.....

Signature of designated official of Regulatory Entity

FORM 1B PAGE 9

OPERATING LICENCE PARTICULARS

Operating licence 1

Operating Licence number

Valid from Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

Captured application details on OLAS Y Y Y Y / M M / D D

Date submitted to Publications Y Y Y Y / M M / D D

Date referred to PREs and Planning Authority Y Y Y Y / M M / D D

Operating Licence 2:

Operating Licence number

Valid from Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

Captured application details on OLAS Y Y Y Y / M M / D D

Date submitted to Publications Y Y Y Y / M M / D D

Date referred to PREs and Planning Authority Y Y Y Y / M M / D D

Operating Licence 3:

Operating Licence number

FORM 1B PAGE 10

Valid from Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

Captured application details on OLAS Y Y Y Y / M M / D D

Date submitted to Publications Y Y Y Y / M M / D D

Date referred to PREs and Planning Authority Y Y Y Y / M M / D D

*In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.

FOR OFFICE USE ONLY

Date Application received Y Y Y Y / M M / D D

Captured application details on OLAS Y Y Y Y / M M / D D

Reference number

Receipt number

Amount paid R

Date submitted to Publications Y Y Y Y / M M / D D

Date referred to PREs and planning Authority Y Y Y Y / M M / D D

Valid from Y Y Y Y / M M / D D *to* Y Y Y Y / M M / D D

Official's name

Y Y Y Y / M M / D D

FORM 1B PAGE 11

CHECKLIST		
A certified copy of one of the following:	RSA Identity Document	
	Passport	
	Temporary RSA identity Document	
	Foreign Identity Document	
	Partnership Agreement	
	Board Resolution/ Founding agreement	
Valid Tax Clearance Certificate/SARS Tax Compliance Status PIN		
Valid vehicle licence and registration		
Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Employment and Labour.		
Copies of operating licences or permits of vehicles operated (if applicable).		
Letter or document of recommendation in support of the application (if any).		

FORM 9A PAGE 1

NATIONAL PUBLIC TRANSPORT REGULATOR

NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

APPLICATION FOR APPROVAL OF E-HAILING PLATFORM PROVIDER

Please tick the appropriate box:

Application for approval	☐	Application to amend conditions of approval	☐
Application for renewal of approval	☐		

SECTION A

APPLICATION FOR APPROVALOF E-HAILING PLATFORM PROVIDER

Name of company, partnership, corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification *(Attach a certified copy)

RSA identity document		Temporary identification certificate	
Passport		Foreign identity document	
Founding statement		Certificate of incorporation	
Letters of Authority (trust)		Partnership Agreement	

Identity no./passport no. / business registration number

Trade name (if applicable)

Type of business

Postal address and code

Postal Code

FORM 9A PAGE 2

Street address (if different from postal address)
Domicillium citandi et executandi

Postal Code

Telephone number (s) Code

Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration number

[Attach original Tax Clearance Certificate or SARS Tax Compliance Status PIN letter]

*any recommendations or documentation is support of this application may be attached.

SECTION B

PARTICULARS OF THE CONTACT PERSON BETWEEN THE E-HAILING PLATFORM PROVIDER AND THE NPTR

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

Surname

First names (not more than 3

Identity number

Type of identification

RSA identity number	Passport
Other (specify)	

Telephone number Code

Cell number Code

SECTION C

PARTICULARS OF EQUIPMENT REQUIRING TYPE APPROVAL AND TYPE APPROVAL CERTIFICATES

*There be must a list of equipment on a separate page and attach the approval certificate for each item.

FORM 9A PAGE 3

SECTION D

CHANGE OF CONDITIONS

In the case of an application to amend conditions of approval, describe the conditions to be amended and the reasons therefor:

SECTION E

DECLARATION

I the undersigned (full name) ..... certify that the information furnished in this application form is true and correct. I accept that the information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for in the future.

....

Signature Date

.....

Name of person

Name of legal entity (if applicable)

SECTION F- FOR OFFICIAL USE ONLY

OTHER CONDITIONS IMPOSED BY THE NPTR (if applicable)

This approval is issued subject to the following conditions

*or attach conditions on a separate sheet

FORM 9A PAGE 4

Date of issue Y Y Y Y M M D D

.....
Signature of designated official of the NPTR

FOR OFFICE USE ONLY

Date of Application received Y Y Y Y M M D D

Reference number

Amount paid R

Official's name

Date Y Y Y Y M M D D

APPROVAL CERTIFICATE PARTICULARS

Approval Certificate number

Date of Application received Y Y Y Y M M D D

Captured Application details Y Y Y Y M M D D

Reference number

Amount paid R

Valid from Y Y Y Y M M D D Valid to Y Y Y Y M M D D

Official's name

Date Y Y Y Y M M D D

FORM 9A PAGE 5

CHECKLIST	
A certified copy of one of the following:	RSA Identity Document
	Passport
	Temporary RSA identity Document
	Foreign Identity Document
	Partnership Agreement
	Founding agreement
	Certificate of Incorporation
	Letters of Authority (trust)
Valid Tax Clearance Certificate/ SARS Tax Compliance Status PIN letter	
Proof of address in South Africa not older than 3 months	
Full copy of registration documents of the legal entity type/ Partnership agreement	
Letter or document of recommendation in support of the application (if any).	

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ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

6 CASTELLI, IL VILLAGGIO, 5 DE HAVILLAND CRESCENT SOUTH, PEREQUOR TECHNOPARK, PRETORIA, 0184

Telephone: (012) 349 2331 Facsimile: (012) 349 2327

Email: registrar@ahpcsa.co.za

Website: www.ahpcsa.co.za

DEFINITION

1. In this notice, "the regulations" means the Regulations pertaining to the Allied Health Professions Act (63/1982), as amended, and published in terms of Government Notice No R 127 of 12 February 2001.

2025 ANNUAL FEES

2. The amounts of the fees referred to in 37(1) and (2), 38, 39, 40, 41 and 42 (1) and (2) of the regulations, have been determined by Council as shown in the table below.

3. These amounts apply to annual fees in respect of the calendar year 1 January 2025 to 31 December 2025, which are due on 1 January 2025, and which must be received by the Council by 31 March 2025 (final date for payment); note fee increase thereafter as per the table below in the respective categories.

FEES TABLE

Description	**2025 Fees** **Payable (Rands)**
Application fee for registration in whichever practitioner or therapist category	**2899**

Registration fee for temporary registration	**2 500 per annum or pro-rata**
Any AHPCSA examination fee	**2000**
Application and registration fee for first year students	**720**
Annual student registration fee for years subsequent to the first year	**720**
Fee for late registration as student	**1000**
Student restoration fee	**1000**
Annual registration fee in respect of one profession where fees are paid on or after 1 January and before 1 April	**2899**
Annual registration fee in respect of one profession where fees are paid after 31 March, annual registration fee plus administration fee per invoice issued by the AHPCSA accountants	**2899, plus applicable interest**
Annual registration fee in respect of two professions where fees paid on or after 1 January and before 1 April	**5000**
Annual registration fee in respect of two professions where fees are paid after 31 March, annual registration fee plus administration fee per invoice issued by the AHPCSA accountants	**5000, plus applicable interest**
Annual registration fee in respect of three or more professions where fees are paid on or after 1 January and before 1 April	**6500**
Annual registration fee in respect of three professions where fees are paid after 31 March, annual registration fee plus administration fee per invoice issued by the AHPCSA accountants	**6500, plus applicable interest**
Senior citizen fee (70 to 74 years) per profession	**1445**

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Senior citizen fee (+75 years) per profession	**WAIVED**
Fee for the issuance of any certificate or letter of good standing	**1060**
Restoration fee in the case prior deregistration at own request by the practitioner or student	**Payment of all outstanding fees, if any, plus applicable interest**
Restoration fee in the case of non-payment of fees by the practitioner or student	**Payment of all outstanding fees, if any, plus applicable interest**
Restoration fee in the case of disciplinary action by the council against the practitioner or student.	**Payment of all outstanding fees, if any, plus applicable interest, plus 5000**
Fee payable to the council by a student-intern or an intern for each year of registration as a student-intern or an intern beyond the first year.	**1325**
Allowances (honoraria) payable by the Council in respect of: **(a) the attendance of meetings of the council, executive committee of the council and professional boards by members of the council and professional boards, are as follows–** **(i) to the chairperson and vice-chairperson of the council, members of the executive committee of the council and chairpersons of the professional boards** **(ii) to other council and professional board members** **(b) the attendance of other meetings such as that of the Finance Committee or the Education Committees of the council**	 **3154 per meeting** **2523 per meeting** **2523 per meeting**

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Allowance payable where a member of the council or professional board is required to use his or her own transport so as to attend meetings out of Pretoria or to attend other council business at places not more than 750 kilometres distant from his or her ordinary residence	**In accordance with the current travel allowances published by the South African Revenue Services on its website but not exceeding the amount of the economy class airfare that would have been payable had the member travelled by air to the meeting**
Fee for conducting a review of an external educational institution	**Actual costs**
Honorarium payable by the Council in respect of visits by external institutional reviewers to external education institutions for review purposes or for examiners / moderators conducting examinations	**4240**
Honoraria for preparation of board examinations	**4240**
Honoraria for facilitator of board examinations	**2500**
Accreditation fees payable to the council for continuing professional development activities – **Level 1: Activities encompassing non-measurable outcomes-** **Large groups(100 delegates or more):** **(1)Conferences or seminars; (ii) Congresses; (iii) Symposia; (iv) Web-based seminars; (v) International conferences**	**3180**

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Small groups (less than 100 delegates): **(i) Formally organised meetings by professional societies; (ii) Structured small group discussions with a minimum of three practitioners involved; (iii) Case study discussions with a minimum number of three practitioners involved; (iv) Formally organised special purpose lectures; (v) Formally organised special purpose lectures that are not part of a business meeting; (vi) Interest groups meeting less than six times per year**	**795**
Small groups (less than 20 delegates): **(i) Formally organised meetings by professional societies; (ii) Structured small group discussions with a minimum of three practitioners involved; (iii) Case study discussions with a minimum number of three practitioners involved; (iv) Formally organised special purpose lectures; (v) Formally organised special purpose lectures that are not part of a business meeting; (vi) Interest groups meeting less than six times per year**	**300**
Other: (i) membership of an association/society; (ii) serving on professional bodies	
Level 2: Activities encompassing measurable outcomes – **(These activities include those that have a clearly measurable outcome or formal evaluation process after the activity)**	
(i) involving less than 10 persons	**1272**
(ii) involving 10 to 20 persons	**2226**

(iii) involving 20 to 30 persons	**2756**
(iv) involving more than 30 persons	**4240**
Level 3: Activities associated with formally structured learning programmes (This is structured learning, namely a formal programme presented by an Education and Training Quality Assurance body-accredited, National Department of Higher Education registered- and Allied Health Professions Council–approved training or educational institution with a measurable outcome)	**NO CHARGE**
Other matter not covered by the above considered by any CPD committee	**AHPCSA DISCRETION**



MS ESTHER PILLAY NAIDOO

REGISTRAR

ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH

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ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA:
MISCONDUCT INQUIRIES
1 JUNE 2024 – 30 NOVEMBER 2024

AHPCSA MISCONDUCT INQUIRIES [SECTION 24 OF THE ACT]

NO	NAME	PROFESSION	NATURE OF COMPLAINT	PENALTY
A04035	Dr Kotze	Chiropractic	Unprofessional Conduct related to: Inappropriate touching of patient.	Section 24(1)(C): Removal of name from the register.
A12294	Mr Pretorius	Therapeutic Reflexology	Unprofessional Conduct related to: Acting/practicing outside scope of practice. Use of the title “Dr”.	Section 24(1)(C): Removal of name from the register.
A08416	Dr van Heerden	Homeopathy	Unprofessional Conduct related to: Form and nature of communication with a patient.	Section 24(1)(A): a written reprimand; Section 24(1)(B): Suspension; Section 25(1)(B); a suspension of two weeks from practice, whereas the full suspension is suspended for a period of six months.

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A12499	Dr Caluza	Chiropractic	Unprofessional Conduct related to: Social media posts. Making direct reference on social media to another healthcare provider.	A contribution of R15 000.00 to costs/fees of the inquiry. Section 24(1)(A): a written reprimand; Section 24(1)(B): Suspension; Section 25(1)(B); a suspension of six months from practice, whereas the full suspension is suspended for a period of two years.



MS ESTHER PILLAY-NAIDOO

REGISTRAR: ALLIED HEALTH PROFESSION COUNCIL OF SOUTH AFRICA

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